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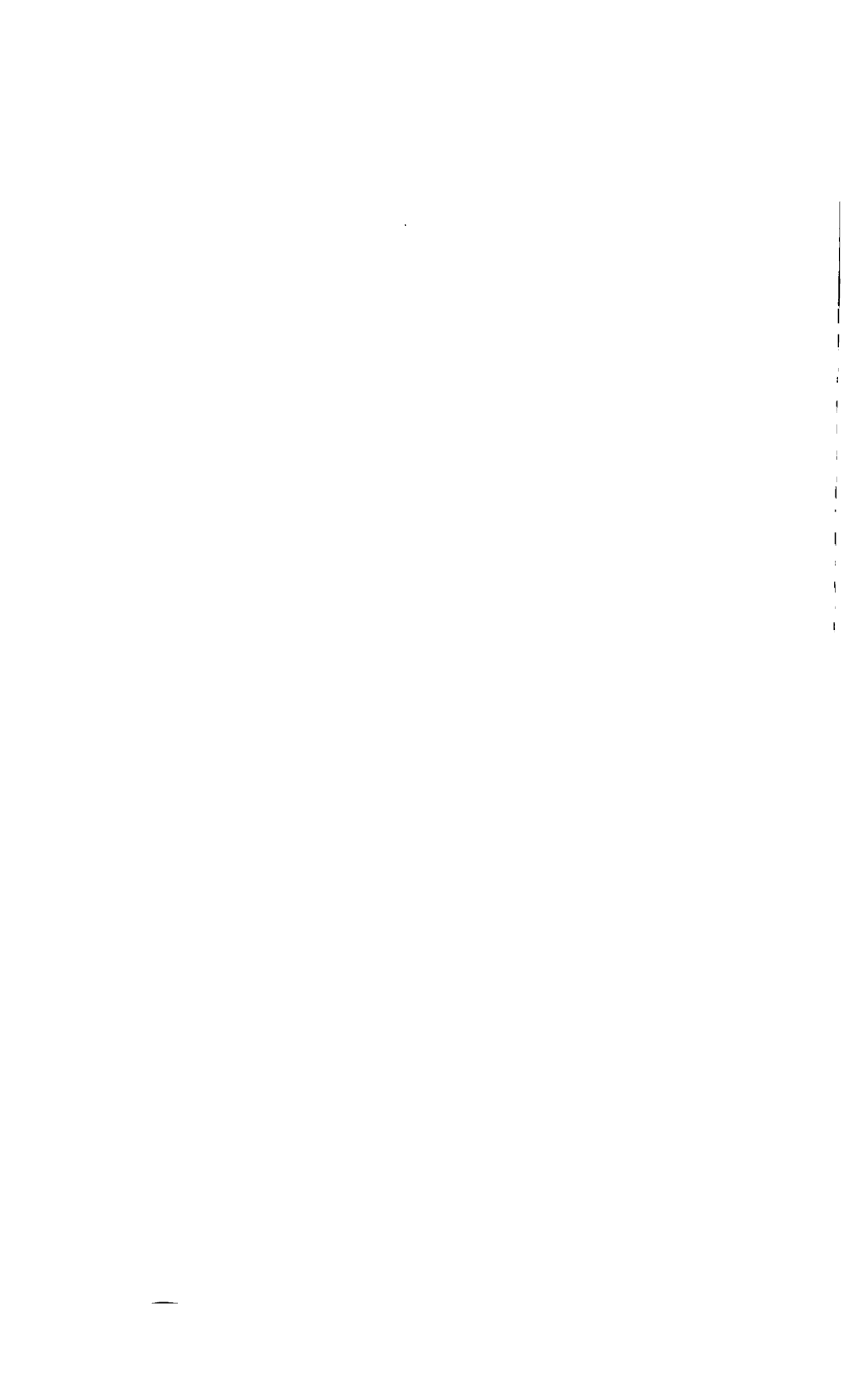
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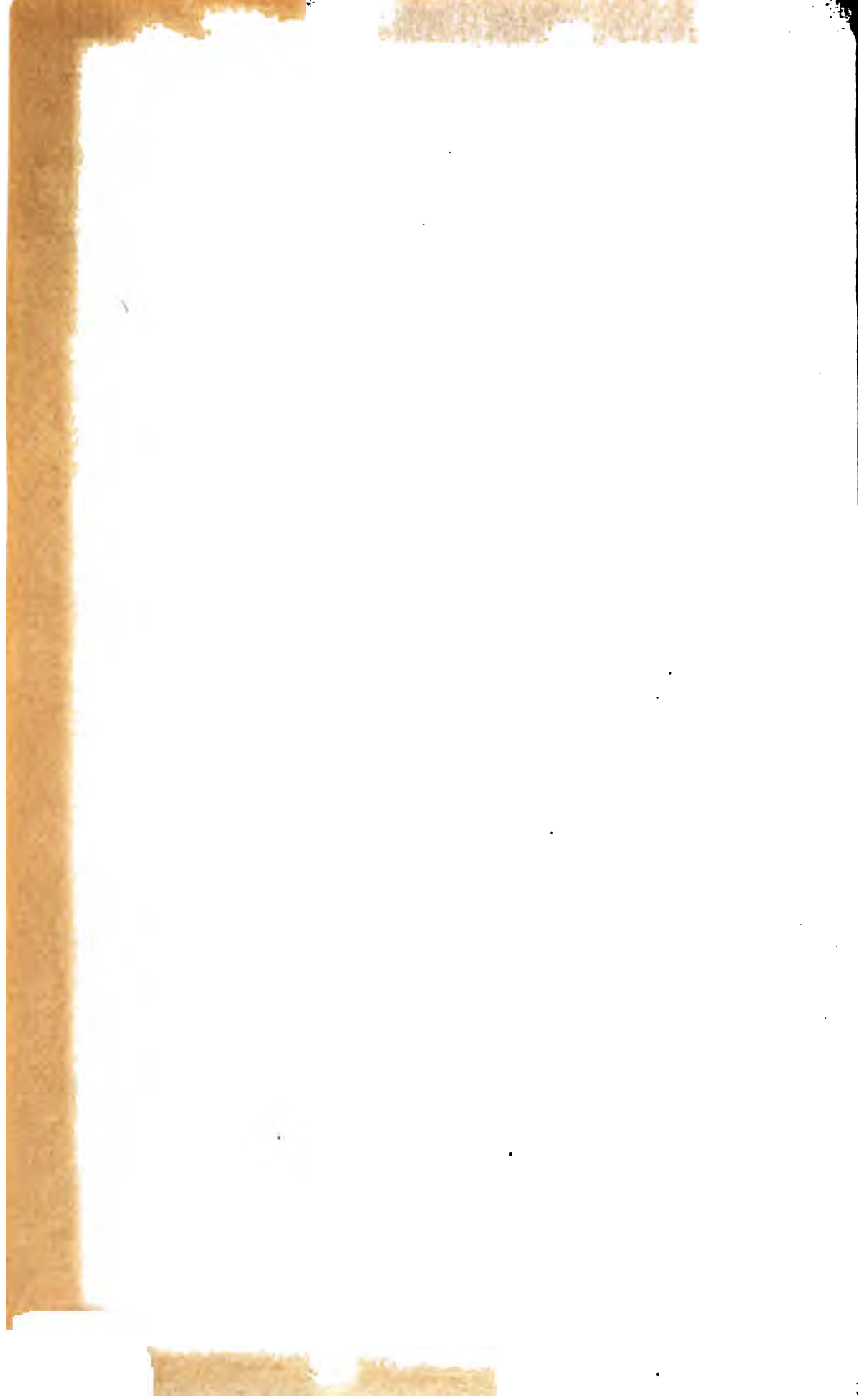
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THE
STATUTES OF CALIFORNIA,

PASSED AT THE

TENTH SESSION OF THE LEGISLATURE.

1859.

BEGUN ON MONDAY, THE THIRD DAY OF JANUARY, AND ENDED ON TUESDAY,
THE NINETEENTH DAY OF APRIL.

SACRAMENTO:
JOHN O'MEARA, STATE PRINTER.

1859.

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LIST OF OFFICERS.

NAMES AND RESIDENCE

Of State Officers, Senators, Members of Assembly, and Presiding Officers of both Houses, in office at the time of the passage of the Laws contained in this Volume.

NAMES.	OFFICE.	RESIDENCE.
John B. Weller.....	Governor.....	Sacramento.
Joseph Walkup.....	Lieutenant Governor.....	Auburn.
Ferris Forman.....	Secretary of State.....	Sacramento.
A. R. Melony.....	Controller.....	Martinez.
Thomas Findley.....	Treasurer.....	Grass Valley.
Thomas H. Williams.....	Attorney General.....	Coloma.
Horace A. Higley.....	Surveyor General.....	Oakland.
Andrew J. Moulder.....	Superintendent of Public Instruction.....	San Francisco.
John O'Mears.....	State Printer.....	San Francisco.
Edwin R. Campbell.....	Registrar.....	Sacramento.
David S. Terry.....	Chief Justice Supreme Court.....	"
Stephen J. Field.....	Associate Justice Supreme Court.....	"
Joseph G. Baldwin.....	Associate Justice Supreme Court.....	"
Charles S. Fairfax.....	Clerk of Supreme Court.....	"
Harvey Lee.....	Reporter of Supreme Court.....	"

SENATORS.

JOSEPH WALKUP, President of the Senate, *ex officio*.

NAMES.	COUNTIES REPRESENTED.	RESIDENCE.
Allen, Isaac.....	Yuba.....	Oregon House.
Anderson, James.....	Placer.....	Auburn.
Berry J.,.....	Del Norte, Klamath, Siskiyou.....	Yreka.
Ballou, S. A.,.....	Plumas, Butte.....	American Valley.
Burton, E. J.,.....	Nevada.....	Nevada.
Baker, J. H.,.....	Placer.....	Michigan Bluff.
Bradley, B. T.,.....	Amador, Calaveras.....	Jenny Lind.
Burch, J. C.,.....	Trinity, Humboldt.....	Weaverville.
Dent, G. W.,.....	Contra Costa, San Joaquin.....	Knight's Ferry.
Dickinson, W. B.,.....	El Dorado.....	Spanish Flat.
Denver, A. St. C.,.....	El Dorado.....	Coloma.
Gregory, Durell S.,.....	Monterey, Santa Cruz.....	Monterey.
Grant, Gilbert A.,.....	San Francisco, San Mateo.....	San Francisco.
Griffith, Humphrey.....	Yolo, Napa, Solano.....	Washington.
Garter, E.,.....	Shasta, Colusi, Tehama.....	Shasta.
Holden, William.....	Stanislaus, Tuolumne.....	Holden's Ferry.
Hart, A. S.,.....	Butte, Plumas.....	Oroville.

NAMES.	COUNTIES REPRESENTED.	RESIDENCE.
Hamm, S. F.,.....	El Dorado,.....	Diamond Springs.
Ketcham, L. N.,.....	Calaveras, Amador,.....	Clinton.
Kirkpatrick, M.,.....	Sierra,	Downieville.
Lansing, C. J.,.....	Nevada,	Grass Valley.
Merritt, S. A.,.....	Fresno, Mariposa, Tulare, Merced, Buena	Mariposa.
McDonald, James M.,.....	Sacramento,..... [Vista,	Sacramento.
O'Farrell, Jasper,.....	Marin, Sonoma, Mendocino,.....	Bodega.
Pacheco, R.,.....	San Luis Obispo, Santa Barbara,.....	San Luis Obispo.
Phelps, T. G.,.....	San Francisco, San Mateo,.....	San Mateo.
Parker, Samuel H.,.....	San Francisco, San Mateo,.....	San Francisco.
Price, Johnson,.....	Sacramento,	Sacramento.
Parks, W. H.,.....	Sutter, Yuba,.....	Sutter County.
Quinn, I. N.,.....	Stanislaus, Tuolumne,.....	Montezuma.
Redman, R. A.,.....	Alameda, Santa Clara,.....	San Jose.
Thom, Cameron E.,.....	Los Angeles, San Diego, San Bernardino	Los Angeles.
Titus, I. S.,.....	El Dorado,	Placerville.
Williams, C. H. S.,.....	San Francisco, San Mateo,	San Francisco.
Wheeler, E. D.,.....	Yuba,.....	Marysville.

REPRESENTATIVES.

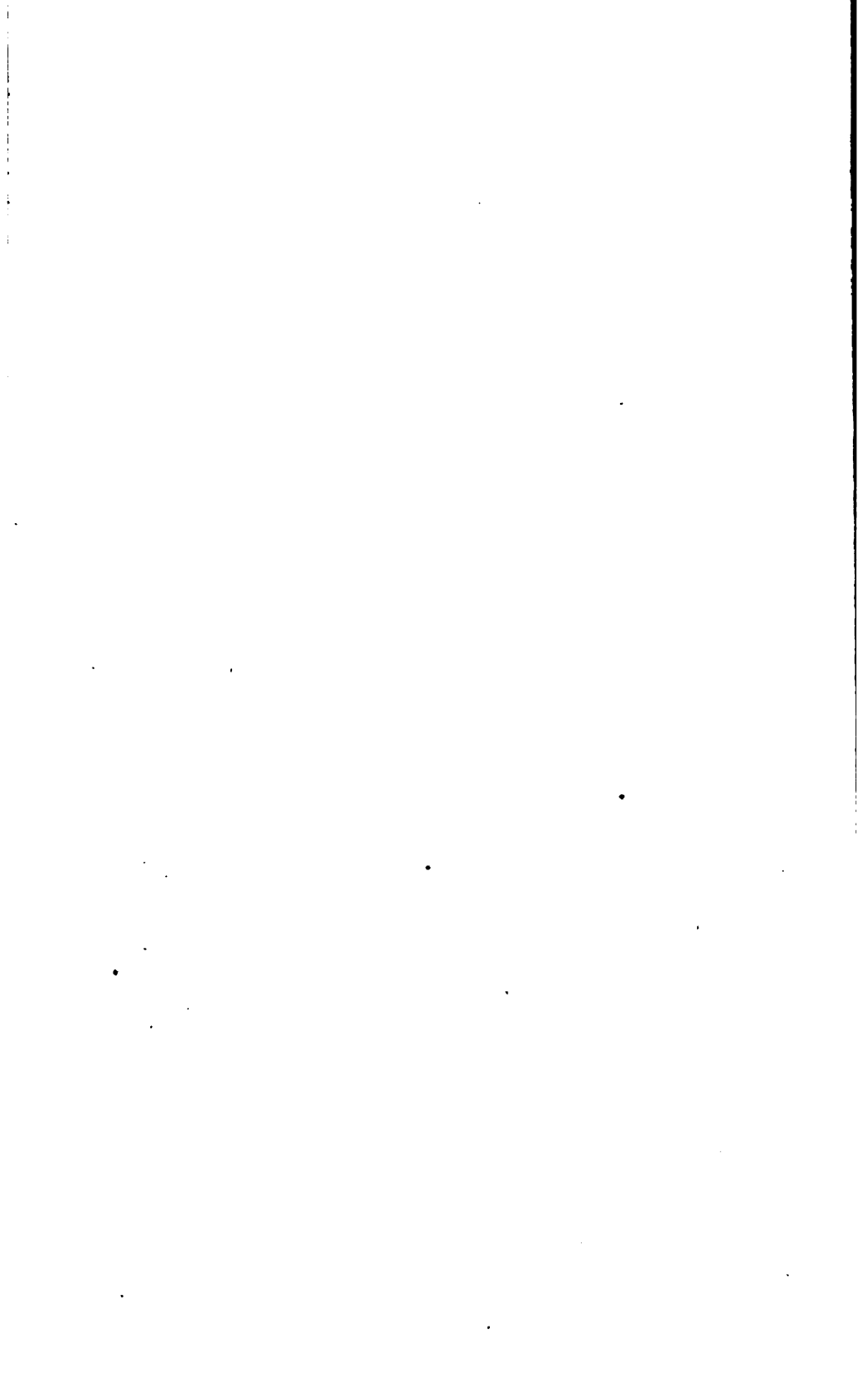
W. C. STRATTON, of Placer,..... Speaker.

Armstrong, W. R.,.....	Nevada,.....	Rough and Ready.
Aud, F. L.,.....	Yuba,.....	Marysville.
Burdick, James,.....	Calaveras,.....	Cave City.
Briggs, A.,.....	El Dorado,.....	Placerville.
Barclay, W. P.,.....	Placer,	Auburn.
Banks, James A.,.....	San Francisco,	San Francisco.
Bates, F.,.....	Trinity,	Minersville.
Buck, S. M.,.....	Tuolumne,	Chinese.
Cope, W. W.,.....	Amador,.....	Jackson.
Caine, P. P.,.....	Butte,	Oroville.
Cherry, John W.,.....	San Francisco,.....	San Francisco.
Cannon, F. E.,.....	Butte,	Cherokee Flat.
Condee, George M.,.....	El Dorado,.....	Placerville.
Coleman, W.,.....	El Dorado,	Ladies' Valley.
Crenshaw, G. H.,.....	Mariposa, Merced,.....	Bear Valley.
Cahalan, C. W.,.....	Nevada,	South Fork.
Caldwell, John,.....	Nevada,	Moore's Flat.
Connely, D. W.,.....	San Mateo,.....	Half Moon Bay.
Cutler, Nathan,.....	Solano,	Suisun Valley.
Dunlap, H. W.,.....	Colusa and Tehama,.....	Colusa.
Douglass, G. N.,.....	El Dorado,	Aldrich House.
Douglas, G. A.,.....	El Dorado,	Kelsey.
Daggett, John,.....	Klamath and Del Norte,.....	Sawyer's Bar.
Davis E. L.,.....	Humboldt,	Hydesville.
Duncombe, Charles,.....	Sacramento, [seat declared vacant.].....	Sacramento.
Dow, William,.....	Tuolumne,	Saw Mill Flat.
DeLong, C. E.,.....	Yuba,	Young's Hill.
Eagon, John A.,.....	Amador,.....	Ione City.
Ellis, R. B.,.....	Sacramento,.....	Sacramento Co.
Ensforth, A. S.,.....	San Diego,.....	San Diego.
Fuller, M.,.....	Yuba,.....	Marysville.
Gregory, A. J.,.....	Mariposa, Merced,.....	Mariposa.
Gwinn, H.,.....	Yolo,	Knight's Landing.
Hines, B. S.,.....	Contra Costa,.....	San Pablo.
Hancock, Henry,.....	Los Angeles,.....	Los Angeles.
Hill, Albert A.,.....	San Francisco,.....	San Francisco.
Holman, G. C.,.....	San Joaquin,.....	Stockton.
Howe, Robert,.....	Tuolumne,.....	Don Pedro's Bar.
Imus, Hiram A.,.....	Santa Cruz,.....	Santa Cruz.

NAMES.	COUNTIES REPRESENTED.	RESIDENCE.
Jackson, A. R.,.....	Sacramento,.....	Sacramento.
Johnson, James A.,.....	Sierra,.....	La Porte.
Lightner, C. W.,.....	Calaveras,.....	Angels.
Lynch, Philip,.....	Placer,.....	Secret Ravine.
Lull, Louis R.,.....	San Francisco,.....	San Francisco.
Laspeyre, Thomas,.....	San Joaquin,.....	Stockton.
Lits, Eugene,.....	Santa Barbara,.....	Santa Barbara.
Lefever, Josiah,.....	Sierra,.....	Forest City.
Lamar, Joseph B.,.....	Sonoma and Mendocino,.....	Anderson Valley.
Mount, C. E.,.....	Calaveras,.....	Mokelumne Hill.
Malarin, M.,.....	Monterey,.....	Monterey.
Mathews, W. R.,.....	Napa,.....	Sebastopol.
Moore, Jacob B.,.....	San Francisco,.....	San Francisco.
Murray, Walter,.....	San Luis Obispo,.....	San Luis Obispo.
Moore, Phil,.....	Nevada,.....	Nevada.
Pico, Andrés,.....	Los Angeles,.....	Los Angeles.
Pixley, Frank M.,.....	San Francisco,.....	San Francisco.
Rodgers, W. P.,.....	Alameda,.....	San Leandro.
Robberson, John S.,.....	Sonoma and Mendocino,.....	Petaluma.
Roane, J. M.,.....	Tulare, Fresno,.....	Fresno River.
Squires, Ogden,.....	El Dorado,.....	Coloma.
Stratton, W. C.,.....	Placer,.....	Dutch Flat.
Slingerland, J. S.,.....	Yuba,.....	Young's Hill.
Shannon, T. B.,.....	Plumas,.....	Meadow Valley.
Sheridan, James E.,.....	Sacramento,.....	Franklin.
Shepard, W. W.,.....	San Francisco,.....	San Francisco.
Springer, J. P.,.....	Santa Clara,.....	McCartysville.
Street, Charles R.,.....	Shasta,.....	Shasta.
Sloss, H. C.,.....	El Dorado,.....	Placerville.
Tipton, J. S.,.....	El Dorado,.....	Jay Hawk.
Torres, Manuel,.....	Marin,.....	Saucileto.
Taylor, James M.,.....	San Francisco,.....	San Francisco.
Tully, E. C.,.....	Santa Clara,.....	Gilroy.
Thomas, G. W.,.....	Stanislaus,.....	Lagrange.
Vaughan, C. L. N.,.....	Sutter,.....	Smith's Ferry.
Whitman, G. N.,.....	San Bernardino,.....	San Bernardino.
Watkins, W. F.,.....	Siskiyou,.....	Scott River.
Wing, W. P.,.....	Placer,.....	Beal's Bar.
Whitney, G. W.,.....	Tuolumne,.....	Long Gulch.
Whealdon, John,.....	Yuba,.....	Ohio Flat.
Young, Geo. A.,.....	Nevada,.....	Washington:

OFFICE.

Palmer, Edwin C.,.....	Secretary of Senate,.....	San Francisco.
Gilman, C.,.....	Clerk of the Assembly,.....	Don Pedro's Bar. •



COMMISSIONERS OF DEEDS,*

With Name, Residence, Date of Appointment, and Date of Filing Oath of Office.

ALABAMA.

<i>Date of Appointment.</i>	<i>Name.</i>	<i>Residence.</i>	<i>Date of Filing Oath of Office.</i>
November 2, 1858....	Douglas, Sid. T.....	Mobile	March 24, 1859.

ARKANSAS.

December 18, 1856...	Sparks, J. H.....	Fort Smith.....	June 19, 1857.
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CONNECTICUT.

March 17, 1856.....	Goodman, Edwin.....	Hartford	June 1, 1856.
September 17, 1856...	Leauman, C. J.....	Norwich.....	November 15, 1856.
April 14, 1857.....	Noble, W. H.....	Bridgeport.....	June 15, 1856.
April 24, 1857.....	Stine, A. E.....	New London.....	June 25, 1857.

GEORGIA.

August 15, 1856.....	Miller, Frank E.....	Augusta.....	November 10, 1856.
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INDIANA.

January 17, 1856.....	Ingells, John	Evansville.....	May 31, 1856.
July 17, 1857.....	Wiley, Wm. S.....	Indianapolis	November 25, 1857.

ILLINOIS.

December 29, 1856....	Davis, W. H.....	Chicago, Ill.....	March 19, 1857.
September 18, 1858...	Gerhard, Forman.....	do	December 16, 1857.
July 21, 1858.....	Hayne, Phil. A.....	do	October 21, 1858.
January 31, 1856.....	Margum, P. A.....	McDonough Co., Ill.	June 21, 1856.
October 4, 1856.....	Magill, John W.....	Chicago, Ill.....	December 17, 1856.
January 16, 1857.....	Willets, Elias	do	May 1, 1857.
December 31, 1856...	Pugh W. H.....	Peoria, Ill.....	March 19, 1857.
January 17, 1859.....	Smith, Samuel C.....	Chicago, Ill.....	No file.

* Term of office, four years.

IOWA.

<i>Date of Appointment.</i>	<i>Name.</i>	<i>Residence.</i>	<i>Date of Filing Oath of Office.</i>
April 11, 1859.....	Spicer Wells.....	Simoda.....

KENTUCKY.

January 17, 1856.....	Johnson, Alf. B.....	Owensboro	March 31, 1856.
August 15, 1856.....	Thompson, Charles P.....	Louisville.....	July 1, 1857.

LOUISIANA.

July 1, 1858.....	Claiswell, Charles de.....	New Orleans.....	February 1, 1859.
November 10, 1858.....	Mitchell, D. T.	do	April 18, 1859.
March 13, 1859.....	Margareau Adolph.....	do
December 31, 1857....	Shannan, Wm.....	do	April 1, 1858.
July 27, 1858.....	Stansbury, Wm. S.....	do	February 3, 1859.
December 2, 1857 ...	Peters, Walter H.....	do	April 14, 1858.
July 20, 1859.....	Ogden, Henry D.....	do
October 28, 1857.....	Grayham, James.....	do	April 1, 1858.

MAINE.

February 2, 1858.....	Child, Jas. L.....	Augusta	April 1, 1858.
May 29, 1858.....	Nichols, Asaph R.....	do	August 22, 1858.
May 9, 1857.....	O'Donald, James.....	Portland	July 15, 1857.

MARYLAND.

April 1, 1859.....	Burgess, H. H.....	Baltimore.....
March 14, 1857.....	Davidge, T. H.....	do	June 15, 1857.
January 17, 1856.....	Hill, W. B.....	do	August 18, 1856.
June 1, 1857.....	Nunes, A. A.	do	September 1, 1857.
June 17, 1858.....	Dalrymple, Williams.....	do	August 16 1858.
March 25, 1858.....	Whelan, Thos. J.....	do	July 15, 1859.
April 19, 1859.....	John R. Kenly	do

MASSACHUSETTS.

March 31, 1857.....	Adams, C. B. F.....	Boston.....	July 5, 1857.
October 28, 1857.....	Angel, Geo. T.....	do	December 30, 1858.
March 9, 1859.....	Burbank, Robert J.....	do
May 2, 1856.....	Cummings, A. J.....	Rocksbury	February 4, 1857.
March 31, 1857.....	Fiske, Edward.....	Boston.....	June 20, 1857.
October 1, 1858.....	Gardner, Edward M.....	Nantucket.....	February 14, 1859.
January 31, 1856.....	Goff, B. F.	Ware	June 7, 1856.
May 2, 1856.....	Hill, J. Henry.....	Worcester.....	October 4, 1856.
March 31, 1856.....	Leonard, M. J.....	Westfield.....	June 5, 1856.
February 12, 1857.....	Park, John C.....	Boston.....	April 14, 1857.
December 18, 1856.....	Randell, Otis Gray.....	do	February 11, 1857.
March 19, 1857.....	Richardson Geo. F.....	do	December 30, 1858.
January 17, 1857.....	Stone, Joshua C.....	New Bedford.....	April, 1857.
March 31, 1857.....	Sharp, Daniel.....	Boston.....	July 20, 1857.
April 19, 1856.....	Richardson, W. A	Lowell.....	July 3, 1856.

MICHIGAN.

<i>Date of Appointment.</i>	<i>Name.</i>	<i>Residence.</i>	<i>Date of Filing Oath of Office.</i>
August 16, 1858.....	Stockton, T. B. W.....	Flint.....	December 3, 1858.

MISSISSIPPI.

September 24, 1857....	Brown, W. H.....	Jackson.....	January 24, 1858
February 2, 1856.....	Lindsey, Lozanis	Vicksburg.....	May 5, 1856.

MISSOURI.

January 5, 1856.....	Chester, Thomas C.....	Missouri.....	May 5, 1856.
May 19, 1857.....	Shands, E. W.....	St. Louis.....	August, 1857.
September 29, 1857....	Tillson, Charles H.....	do	December 30, 1857.
April 14, 1858.....	Teagarden, Thomas H.....	do	August 16, 1858.

NEW JERSEY.

March 31, 1857.....	Cassedy, Geo. W.....	Jersey City.....	June 5, 1857.
August 4, 1855.....	Howell, R. W.....	Camden	January 17, 1856.
March 10, 1856.....	Pierson, Thos. B.....	Newark	June 21, 1856.

NEW YORK.

June 1, 1857.....	Andrews, Horace.....	City New York.....	July 20, 1857.
August 6, 1856.....	Bostwick, Henry H.....	Auburn	April 7, 1857.
February 19, 1857....	Bennett, G. L. Jr.....	Brooklyn.....	April 9, 1857.
April 9, 1857.....	Baldwin, Geo. E.....	City New York.....	June 19, 1857.
February 2, 1858.....	Busteed, N. William.....	do	April 30, 1858.
May 21, 1858	Baldwin, A. Dewit.....	do	August 16, 1858.
June 17, 1858.....	Bushnell, Chas. J.....	do	September 17, 1858.
October 6, 1858.....	Birney, Wm.....	do	January 27, 1859.
February 21, 1859....	Berry, John.....	Upper Sandusky.....
March 18, 1859.....	Banks, Henry C.....	City New York.....
April 26, 1856.....	Cushman, A. F.....	do	October 20, 1856.
May 2, 1856.....	Callicot, T. C.....	do	November 19, 1856.
July 23, 1856.....	Chetwood, John J.....	do	October 15, 1856.
January 14, 1857.....	Cohen, A. A.....	do	April 1, 1857.
March 3, 1857.....	Cora, Edward F.....	do	August 10, 1857.
June 25, 1857.....	Cook, Josiah.....	Buffalo.....	August 25, 1857.
June 25, 1857.....	Connell, E. W.....	City New York.....	June 16, 1857.
January 27, 1858....	Cooley, Randolph M.....	do	1858.
March 18, 1859.....	Callan, John F. Jr.....	do
March 31, 1859.....	Cook, W. A.....	do
October 4, 1856.....	Dissasony, C. R.....	do	June 31, 1857.
May 1, 1857.....	Dewitt, Henry R.....	do	July 1, 1857.
August 3, 1858.....	Dugan, A. J. H.....	do	March 18, 1859.
March 9, 1859.....	Emmons, Henry L.....	do
February 12, 1856....	Furness, William.....	do	May 23, 1856.
February 22, 1858....	Gibbs, George O.....	do	May 17, 1858.
May 1, 1857.....	Holden, Oliver.....	Brooklyn.....	July 5, 1857.
May 11, 1857.....	Hackett, Jno. K.....	City New York.....	December 17, 1857.
July 9, 1858.....	Hurd, John C.....	do	October 1, 1858.
September 1, 1858....	Hurst, Lewis.....	Brooklyn.....	November 2, 1858.
March 23, 1859.....	Houghton, Fred'k. E.....	City New York.....

<i>Date of Appointment.</i>	<i>Name.</i>	<i>Residence.</i>	<i>Date of Filing Oath of Office.</i>
March 24, 1859.....	Harnott, Jas. C.....	City New York.....
March 26, 1859.....	Hitchcock, A. H.....	do
May 2, 1856.....	Livingston, John.....	do	July 17, 1856.
March 6, 1857.....	Lawton, J. W.....	do	May 16, 1857.
March 31, 1857.....	Leete, Edmund J.....	do	June 5, 1857.
September 8, 1857.....	Lay, Sylvester.....	do	December 1, 1857.
December 23, 1858.....	Lee, Fred'k. R.....	do	August 31, 1858.
January 24, 1858.....	Lee, Cyrus P.....	Buffalo
April 10, 1856.....	McClay, M. B.....	City New York.....	June 21, 1856.
July 2, 1857.....	Morrison, Chas. T.....	do	September 20, 1857.
February 14, 1859.....	Nettleton, Chas.....	do	April 18, 1859.
June 13, 1857.....	Ostrander, Alexander.....	do	June 16, 1858.
June 5, 1858.....	Platt, Zephaniah.....	do	November 16, 1858.
July 21, 1858.....	Peck, W. W.....	do	April 19, 1859.
August 30, 1858.....	Phillips, Alfred A.....	do	November 2, 1858.
December 18, 1857.....	Rankin, Benjamin.....	do	February 27, 1858.
May 10, 1858.....	Rice, Clinton.....	do	March 17, 1859.
May 15, 1856.....	Stuart, Charles.....	do	October 4, 1856.
January 28, 1857.....	Slidell, A. H.....	Brooklyn	July 10, 1857.
May 1, 1857.....	Sinclair, Wm. J.....	City New York.....	June 25, 1857.
November 18, 1857.....	Stevenson, W. W.....	do	February 16, 1858.
September 1, 1858.....	Seixas, Dan'l.....	do	November 2, 1858.
April 4, 1859.....	Smith, Thos. E.....	City New York.....
March 15, 1858.....	Thompson, Chas. H.....	Brooklyn	May 15, 1858.
July 1, 1858.....	Taylor, Nelson.....	City New York.....	August 31, 1858.
June 7, 1858.....	Vernon, Thomas.....	do	October 1, 1858.
March 15, 1858.....	Wentworth, Delos.....	Rochester	May 31, 1858.
June 17, 1858.....	Williams, Jas. B.....	City New York.....	August 31, 1858.
July 16, 1858.....	Ward, Wm. R. L.....	do	October 18, 1858.
April 19, 1859.....	Wm. H. Browne.....	do
April 19, 1859.....	W. Coventry, H. Waddell	do

OHIO.

March 10, 1858.....	Carpenter, Samuel S.....	Cincinnati.....	May 17, 1858.
September 25, 1857...	Davenport W. H.....	do	August 31, 1858.
May 17, 1856.....	French, Ira D.....	do	May 23, 1856.
November 12, 1855.....	Lynch, John A.....	Ohio.....	February 4, 1856.
August 18, 1858.....	Mauldin, James.....	Columbus.....	November 2, 1858.
November 10, 1858...	McGuffy, Alex. H.....	Cincinnati.....	October 18, 1858.
November 18, 1857.....	Perry, H. G.....	Cleveland.....	January 14, 1858.

OREGON.

March 14, 1856.....	Margum, P. A.....	Portland.....	June 14, 1856.
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PENNSYLVANIA.

April 14, 1858.....	Burton, A. M.....	Philadelphia.....	November 2, 1858.
May 25, 1858.....	Badger, Edmond R.....	do	November 2, 1858.
October 25, 1858.....	Birney, David B.....	do	December 30, 1858.
March 9, 1859.....	Blood, Benj. F.....	do
December 31, 1858.....	Barney, Benj. B.....	do	March 2, 1859.
December 3, 1858.....	Frick, John H.....	do	February 1, 1859.
August 3, 1858.....	Jenkins, George, Jr.....	do	October, 1 1858.
March 17, 1856.....	Lippincott, Wm.....	do	September 15, 1857.
March 24, 1856.....	Quayle, Robert B.....	do	July 2, 1856.
September 17, 1856...	Stevens, Henry A.....	do	November 21, 1856.
July 17, 1857.....	Samuel C. Taylor.....	do	October 5, 1857.
September 24, 1857...	Hugh W. Terror.....	do	December 17, 1857.
March 15, 1858.....	Isaac Wistra.....	do	May 17, 1858.
July 1, 1858.....	Wollenweber, L. A.....	do	October 18, 1858.
March 31, 1857.....	Sperring, Joshua.....	do	June 20, 1857.
May 17, 1856.....	Shippen, Edward.....	do	October 26, 1856.

RHODE ISLAND.

<i>Date of Appointment.</i>	<i>Name.</i>	<i>Residence.</i>	<i>Date of Filing Oath of Office.</i>
November 2, 1858.....	Hays, Wingal.....	Providence
March 27, 1858.....	Martin, Henry.....	do	June 24, 1858.

SOUTH CAROLINA.

March 24, 1858.....	Hull, Samuel J.....	Charleston	May 31, 1858.
March 24, 1858.....	Tobias V. J.....	do	July 1, 1857.

TENNESSEE.

May 25, 1856	Hill, Hum T.....	Memphis	July 2, 1856.
March 8, 1859,	Harrison, John J.....	do
March 18, 1859.....	Temple, Joseph E	do

TEXAS.

January 17, 1856.....	Johnson, Robert B.....	Galveston.....	April 14, 1856.
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VIRGINIA.

.....	—Lee, James R.....	Richmond.....	December 30, 1858.
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WISCONSIN.

October 21, 1858.....	Deludes, J. R.....	Madison
July 12, 1858.....	Gardner, Henry C.....	Milwaukie.....	March 11, 1859.

DISTRICT OF COLUMBIA.

July 2, 1857.....	Shaw, John.....	Washington.....	December 1, 1857.
March 2, 1858.....	Selding, Chas. D	do	December 30, 1858.

UTAH TERRITORY.

September 10, 1858.	Allen, Richard N.....	Genoa.....	September.
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WASHINGTON TERRITORY.

October 4, 1858.....	Dennison, B. F.....	Whatcom	November 23, 1857.
July 14, 1858.....	Wadsworth, J. C. L.....	do	September 7, 1858.
March 15, 1859.....	Waterman, O. C.....	Walla Walla.....	March 17, 1859.

VANCOUVER'S ISLAND.

<i>Date of Appointment.</i>	<i>Name.</i>	<i>Residence.</i>	<i>Date of Filing Oath of Office.</i>
September 10, 1858...	Crosby, E. O.	Victoria,	October 18, 1859.
August 5, 1858.....	Wallace, George	do	November 12, 1858.

REPUBLIC OF CHILE.

February 24, 1858... | Wm. L. Hobson..... | Valparaiso..... |

STATUTES OF CALIFORNIA,

PASSED AT

THE TENTH SESSION OF THE LEGISLATURE.

CHAP. I.—*An Act to appropriate money for Postage and Express purposes during the present session of the Legislature.*

[Approved January 17, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated, from any moneys in the Treasury not otherwise appropriated, to be used for postage and express purposes, for Lieutenant-Governor, Members of the Legislature, Secretary of the Senate, and Clerk of the Assembly, Sergeant-at-Arms of the Senate, and Sergeant-at-Arms of the Assembly. Sum appropriated.

SEC. 2. Each officer named in section first of this Act shall be entitled to such sum as he may require for postage and express purposes, during the present session of the Legislature, not exceeding twenty-five dollars, to be paid from appropriations made by this Act. Limitation.

SEC. 3. The Controller is hereby authorized and required to draw his warrant in favor of the Sergeant-at-Arms of the Senate and Assembly, in such sums as they may require, not exceeding the amount which may be, by provisions of this Act, disbursed in either House. Drawing of warrant.

SEC. 4. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall open a postage account with the Lieutenant-Governor, Secretary of the Senate, Clerk of the Assembly, and each Member of the Senate and Assembly, respectively, and shall furnish such postage and express stamps Account.

to each Member, and to the Lieutenant-Governor, Secretary of the Senate, and Clerk of the Assembly, as he [they] may require, not exceeding in value twenty-five dollars, and any residue which may result from said appropriation, at the close of the session, into the State Treasury, to the credit of the General Fund.

Exhibit of
account.

SEC. 5. The Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the Assembly, shall make, to their respective Houses, at the expiration of each month, and at the close of the session, an exhibit of the postage account of each person entitled to the benefit of this Act.

CHAP. II.—*An Act to amend "An Act to establish the Pay of Officers and Employés of the Senate and Assembly, and to repeal existing laws relating thereto," approved April twenty-sixth, A. D. one thousand eight hundred and fifty-eight.*

[Approved January 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section third of said Act is hereby amended so as to read as follows :

Salaries of
clerks, and
copying by
folio.

Section third—To the Engrossing and Enrolling Clerks of the Senate and Assembly, each nine dollars per day. For all copying into the Journals of the Senate and Assembly, fifteen cents per folio; and, for all copying for the State-Printer, or otherwise, (which copying shall be performed under the supervision and direction of the Secretary of the Senate and the Clerk of the Assembly, respectively,) the sum of ten cents per folio.

SEC. 2. Section fifth of said Act is hereby amended so as to read as follows :

Clerks, pages
and porters.

Section fifth—To Committee Clerks and the Minute Clerk of the Secretary of the Senate, and the Minute Clerk of the Chief Clerk of the Assembly, each eight dollars per day. To each of the two Porters of the Senate, and three of the Assembly, five dollars per day; and to each of two Pages of the Senate, and three of the Assembly, three dollars per day.

CHAP. III.—*An Act to authorize the Board of Supervisors in and for the County of Plumas to levy a Special Tax, for Building Purposes, in said County.*

[Approved January 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Special tax.

SECTION 1. The Board of Supervisors of Plumas County are

hereby authorized and required to levy, and cause to be collected, in the year one thousand eight hundred and fifty-nine, (and from year to year, thereafter, until such time as a sufficient income shall have been derived, in the judgment of the Board of Supervisors, for building purposes,) in the manner, and at the same time, as State and County taxes, and in addition thereto, a special tax, not to exceed sixty cents on each one hundred dollars of taxable property, in said County of Plumas.

SEC. 2. The income derived under section one of this Act shall be expended in the erection of County Buildings, at the County-seat of Plumas County, under the supervision and direction of the Board of Supervisors of said County, as by law provided for. Manner of expenditure.

CHAP. IV.—*An Act to legalize an Order of the Court of Sessions of the County of Siskiyou, and all the Proceedings had thereunder and dependent thereon.*

[Approved January 20, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. An order made by the Court of Sessions of the County of Siskiyou, and entered in the records thereof on the sixth day of August, one thousand eight hundred and fifty-two, in the following words, to wit: "Ordered, that the Treasurer of this County be allowed five per cent. on all County funds by him received, as a compensation for his services in the safe-keeping and disbursement of the same," be, and the same is hereby, adopted; and the same, and all proceedings had in pursuance and under the authority thereof, and dependent thereon, are hereby legalized and confirmed: And the said order shall continue in force until the first day of October, one thousand eight hundred and fifty-nine, and no longer. Order legalized.

CHAP. V.—*An Act creating the Sixteenth and Seventeenth Judicial Districts of this State, and providing for the holding of Courts therein.*

[Approved January 27, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Fifth, Fourteenth, and Fifteenth Judicial Districts of this State are hereby divided, and the Sixteenth and Seventeenth Judicial Districts created. The Counties of San Joaquin and Tuolumne shall remain, and hereafter constitute, Division of districts.

the Fifth Judicial District, of which the present Judge shall remain and be the Judge. The County of Nevada shall remain, and hereafter constitute, the Fourteenth Judicial District, of which the present Judge shall be and remain the Judge. The Counties of Colusa, Tehama, and Butte, shall remain, and hereafter constitute, the Fifteenth Judicial District, of which the present District Judge shall remain and be the Judge. The Counties of Calaveras and Amador shall constitute the Sixteenth Judicial District, and the Counties of Sierra and Plumas shall constitute the Seventeenth Judicial District, for each of which, District Judges shall be appointed, and elected, as hereinafter provided.

Disposition
of pending
suits.

SEC. 2. Suits brought, and matters pending, in the District Court in the Counties of Calaveras and Amador, shall be heard and determined in the Sixteenth Judicial District, as if such matters had been commenced in that District; and suits brought, and matters pending, in the District Court of the Counties of Sierra and Plumas, shall be heard and determined in the Seventeenth Judicial District, as if such matters had been commenced in that District, and the process of the District Courts of the Sixteenth and Seventeenth Judicial Districts shall be as effectual for all such purposes as if the same were issued from the Districts which heretofore included the Counties now constituting the Sixteenth and Seventeenth Judicial Districts.

Commencing
of terms :

SEC. 3. The terms of the District Courts of the Fifth, Fourteenth, Fifteenth, Sixteenth, and Seventeenth Judicial Districts, during each year, shall be commenced as follows :

Fifth district

In the Fifth District : in the Counties of Tuolumne, and San Joaquin, as now provided by law ;

Fourteenth
district.

In the Fourteenth Judicial District : in the County of Nevada, on the first Mondays of February, April, June, August, October, and December ;

Fifteenth
district.

In the Fifteenth District : in the Counties of Colusa, Tehama, and Butte, as now provided by law ;

Sixteenth
district.

In the Sixteenth District : in the County of Calaveras, on the first Mondays in February, May, August, and November ;—in the County of Amador, on the first Mondays in March, June, September, and December ;

Seventeenth
district.

In the Seventeenth District : in the County of Plumas, on the second Mondays of April, July, October, and January ;—in the County of Sierra, on the first Monday of March, the second Mondays of May and August, and the first Monday of November.

End of term.

The terms of the District Court provided for in this Act, shall continue until the time fixed for holding a term in another, or the same County, in the District, if the business of the Court shall require it.

Election of
Judges.

SEC. 4. At the general election of the year one thousand eight hundred and fifty-nine, and every six years thereafter, a District Judge shall be elected for each of the Sixteenth and Seventeenth Judicial Districts, and the Judges, so elected, shall enter upon the discharge of their duties on the first Monday of January next after their election.

SEC. 5. The Governor shall, immediately after the passage of

this Act, appoint suitable persons as District Judges of the said Sixteenth and Seventeenth Judicial Districts, who shall hold their office until the election and qualification of their successors, as provided for in this Act. Appointm't
by the Gov-
ernor.

SEC. 6. The District Judges of the Sixteenth and Seventeenth Districts, shall receive the sum of five thousand dollars per annum, payable in the same manner as the salaries of other District Judges of the State. Salary.

CHAP. VI.—*An Act supplemental to the Act entitled an Act to create a Board of Examiners, to define their Powers and Duties, and to impose certain Duties upon the Controller and Treasurer, approved April twenty-first, one thousand eight hundred and fifty-eight.*

[Approved January 29, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twenty-first—The Contingent Funds of the Senate and Assembly are exempt from the provisions of this Act. Contingent
funds ex-
empt.

CHAP. VII.—*An Act making an Appropriation for the Transportation of Prisoners to the State-Prison, for the Tenth Fiscal Year.*

[Approved January 29, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-five thousand dollars is hereto- by appropriated, out of any money in the Treasury not otherwise appropriated, for the transportation of prisoners to the State-Prison, during the tenth fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-eight, and ending on the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine, inclusive. Money ap-
propriated.

CHAP. VIII.—*An Act for the Relief of Moses Scott, Jr.*

[Approved January 29, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Claim allowed.

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to allow Moses Scott, Jr., the sum of one thousand (\$1000) dollars, for services rendered as Assistant Chief Clerk to the Board of Examiners, under "An Act to provide for the Funding and Payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six," approved April twentieth, one thousand eight hundred and fifty-eight.

Auditor's warrant.

SEC. 2. The Auditor of said City and County is hereby authorized and directed to audit the sum allowed, and issue his warrant therefor, whereupon, (and upon the presentation thereof,) the Treasurer of the said City and County shall pay the same, as other current indebtedness of the City and County aforesaid.

CHAP. IX.—*An Act to legalize and confirm the General and Supplementary Assessment-Rolls, the publication of the same, and to extend the time for the Collection of Revenue, in the Counties of Sonoma, Mendocino, Colusa, and Sutter.*

[Approved January 29, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Assessment-roll legalized

SECTION 1. The general and supplementary assessment-rolls, and the publication of the same, in and for the Counties of Sonoma, Mendocino, Colusa, and Sutter, for the year one thousand eight hundred and fifty-eight, are hereby legalized and confirmed, and shall have the same force and effect as though the same had been made as provided by law.

Time extended.

SEC. 2. The time for the collection of the revenue in the Counties of Sonoma, Mendocino, Colusa, and Sutter, for the year one thousand eight hundred and fifty-eight, is hereby extended to the first day of May, A. D. one thousand eight hundred and fifty-nine.

CHAP. X.—*An Act concerning Official Bonds of County Officers in the County of Calaveras.*

[Approved January 29, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. In all cases where the official bonds of the officers of the County of Calaveras have, or shall hereafter, from any cause, become defective or void, the Board of Supervisors shall cause them to file new bonds, in the amounts now required by law. Bonds defective.

SEC. 2. The Board of Supervisors of said County shall approve of all bonds hereafter to be given by the officers of said County. Approved.

SEC. 3. All Acts, or parts of Acts, conflicting with the provisions of this Act, are hereby repealed. Repealing.

CHAP. XI.—*An Act to extend the Time for Collecting Taxes in the County of Contra Costa.*

[Approved February 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of the County of Contra Costa is hereby authorized and empowered to continue the collection of State and County taxes due therein, until the second Monday in March next, and for such purposes he shall have all the powers given to Sheriffs by the Act to provide revenue for the support of the general government of this State; and in said collection he shall be governed in all respects by said Act, and he shall not be required to make his final settlement, or to return his delinquent-list, until the third Monday in March next; *Provided*, he shall make settlement in accordance with the provisions of said Act, of all taxes collected before proceeding under this Act. Time extended.

SEC. 2. This Act shall expire on the twenty-first day of March next; and, during its continuance, all provisions of law in conflict or inconsistent with this Act, are hereby suspended. Limitation.

SEC. 3. Before the extension herein granted shall take effect, the said Sheriff shall file, with the Clerk of the Board of Supervisors, a new bond, conditioned in the sum of two thousand dollars, for the faithful discharge of the duties imposed upon him by this Act. New bond.

CHAP. XII.—*An Act for extending the Time for the Sheriff of Sacramento County to collect the Delinquent Taxes for the Year one thousand eight hundred and fifty-eight.*

[Approved February 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Time extended.

SECTION 1. The Tax-Collector of the City and County of Sacramento shall be allowed until the first Monday of March, one thousand eight hundred and fifty-nine, to make his final settlement with the Auditor, as provided in section forty-three of the Revenue Law of one thousand eight hundred and fifty-seven; and until such final return or settlement is made, he shall continue to collect the delinquent taxes, as provided in section twenty-seven of the Revenue Law of one thousand eight hundred and fifty-seven.

CHAP. XIII.—*An Act relating to the Coroner of the City and County of San Francisco.*

[Approved February 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Coroner to act as sheriff.

SECTION 1. In all actions, or proceedings, where the Sheriff of the City and County of San Francisco is a party, or is interested, or otherwise incapacitated to execute the orders or process therein, the same shall be executed by the Coroner of said City and County, in the same manner as the Sheriff is required to execute similar process and orders in other cases.

Repealing.

SEC. 2. All Acts, and parts of Acts, inconsistent with this Act, are hereby repealed.

CHAP. XIV.—*An Act to regulate the Fees of Certain Officers in the County of Tuolumne.*

[Approved February 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Fees allowed

SECTION 1. In the County of Tuolumne such fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein

provided, and as such officers may lawfully charge, demand, and receive the same.

FEES OF CLERK OF DISTRICT COURT.

Sec. 2. For entering each suit in the Clerk's Register of Suit. Action, and making the necessary entries therein during the progress of the trial, for each folio, thirty cents. For issuing every writ or process, under seal, seventy-five cents. For issuing subpœna for each witness, twenty-five cents. For filing each paper, twenty-five cents. For entering every motion, rule, order, or default, fifty cents. For entering every discontinuance, dismissal, or nonsuit, fifty cents. For entering every cause on the calendar, and a copy thereof, for the Bar, for each term of the Court, one dollar. For calling and swearing every jury, fifty cents. For receiving and entering each verdict of a jury, fifty cents. For entering every final judgment, for the first folio, one dollar; for each subsequent folio, thirty cents. For filing judgment-roll, thirty cents. For entering judgment on judgment-docket, fifty cents. For entering satisfaction of judgment, fifty cents. For administering every oath, or affirmation, twenty cents. For certifying every oath, or affirmation, twenty cents. For copy of any proceeding, record, or paper, for each folio, thirty cents. For every certificate, under seal, fifty cents. For searching the files of each year, in his office, (but not to charge suitors or attorneys,) fifty cents. For issuing every commission to take testimony, one dollar. For taking down testimony of witnesses during trial, for each folio, thirty cents. For issuing execution, or other final process, seventy-five cents. For issuing every decree, or order of sale of mortgaged property, seventy-five cents. For issuing writ of injunction, or attachment, seventy-five cents. For entering judgment by confession, the same fees as in other cases of entering judgment. For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents. For taking each bond required by law, fifty cents; for taking justification thereto, fifty cents. For acknowledgment of deed, or other instrument, including all writing, and the seal for the first name thereto, one dollar, and each additional name, fifty cents. When the Court is sitting as a Court of Criminal Jurisdiction, he shall receive for the trial of each issue, when the charge is felony, five dollars. For the trial of each issue, when the charge is misdemeanor, three dollars. He shall receive no other fee for any service, whatever, in a criminal action or proceeding, except for copies of papers, for each folio, twenty-five cents.

FEES OF CLERK OF COUNTY COURT.

Sec. 3. For filing all the papers sent on appeal from Justices' Courts, in each cause, one dollar. For all other services, the same fees as are allowed in the District Court for similar services.

FEES OF CLERK OF COURT OF SESSIONS.

Sec. 4. The Clerk shall receive the same fees as are allowed the Clerk of the District Court in criminal cases.

FEES OF CLERK OF PROBATE COURT.

Administration. SEC. 5. For issuing letters testamentary or of administration, one dollar. For certificate of appointing appraisers or guardians, fifty cents. For writing and posting notices, when required, for each copy, fifty cents. For notice given by publication, in addition to cost of publication, fifty cents. For recording wills, per folio, thirty cents. For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

Certificate.

Notices.

Wills.

FEES OF COUNTY RECORDER.

Instruments SEC. 6. For recording any instrument, paper, or notice, when required, for each folio, thirty cents. For copies of any record, or paper, per folio, thirty cents. For filing, or receiving, every instrument for record, and making the necessary entries therein, twenty-five cents. For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents. For every certificate, under seal, to copies of papers on record in his office, when required, fifty cents. For every entry of discharge of mortgage, on margin of record, fifty cents. For searching record, and files of each year, in his office, when required, fifty cents. For abstract, or certificate, of title, when required, for each conveyance, or incumbrance certified, fifty cents. For recording every town-plat, for every course, twenty cents. For figures, and lettering plats and maps, per folio, seventy-five cents. For taking, and writing acknowledgments, including seal, for the first signature, one dollar, and, for each additional one, twenty-five cents. For filing and entering a minute of certificate of Sheriff's sale, fifty cents. For filing and entering a minute of certificate of tax sale, twenty-five cents. For filing and keeping each paper, not required to be recorded, and endorsing same, if required, fifty cents.

Record.

Indexes.

Copies.

Entries.

Searching.

Abstract.

Plats.

Sheriff's sale

Tax sale.

Filing.

FEES OF SHERIFF.

Process. SEC. 7. For serving a summons, complaint, or any other process by which action or proceeding is commenced, on every defendant, one dollar. For traveling, in making such service, per mile, in going only, to be computed in all cases from the Court-House of the County, forty cents; *Provided*, that if any two or more papers require to be served in the same suit, at the same time, one mileage only shall be charged. For taking bond or undertaking, in any case in which he is authorized to take the same, one dollar. For copy of any writ, process, or other paper, when demanded, or required by law, for each folio, thirty cents. For serving every notice, rule, or order, fifty cents. For serving a subpoena, for each witness summoned, twenty-five cents. For traveling, per mile, in serving each subpoena, or venire, in going only, but, when two or more witnesses or jurors live in the same

Undertaking

Copy of writ.

Notice and subpoena.

direction, traveling fees shall be charged only for the most distant, forty cents. For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and, with traveling fees, as on a summons, two dollars. For serving an attachment upon any boat, or vessel, in proceedings to enforce any lien thereon, created by law, three dollars. For making and posting notices, and advertising property for sale on execution, or under any judgment, or order of sale, not to include the cost of publication in newspapers, two dollars. For commissions, for receiving and paying over money, on execution or process, where lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, two per cent.; on all sums above that amount, one per cent. For commissions for receiving and paying over money on execution, without levy, or when the lands or goods levied on shall not be sold, two per cent. on the first one thousand dollars, and one per cent on all over that sum. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant, by virtue of such execution, in the same manner as the sum are therein directed to be made. For drawing and executing every Sheriff's deed, to be paid by the grantee, who shall, in addition, pay for the acknowledgment thereof, three dollars. For serving a writ of possession or restitution, putting any person entitled into possession of premises, and removing the occupants, three dollars. For traveling, in the service of any process not hereinbefore mentioned, for each mile necessarily traveled, in going only, forty cents. For attending, when required, on any Court, in person or by deputy, for each day, to be paid out of the County Treasury, three dollars. For bringing up a prisoner on *habeas corpus*, to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, fifty cents. He shall also be allowed such further compensation, for his trouble and expense in taking possession of property under an attachment, or execution, or other process, and preserving the same, as the Court from which the writ or order may issue, shall certify to be just and reasonable. For holding each inquest, on trial of right of property, when required, to include all service in the matter, except mileage, four dollars. For attending on Supreme Court, either in person or by deputy, to be paid out of the State Treasury as other claims, for each day, five dollars. For making every arrest, in criminal proceedings, two dollars. For serving each subpoena, in criminal proceedings, twenty-five cents. For executing every sentence of death, forty dollars. For summoning a grand-jury of twenty-four, eight dollars. For summoning each trial-jury of twelve persons, four dollars. For each additional juror, twenty-five cents. For service of any process, in criminal cases, for each mile necessarily traveled, twelve cents, and the same mileage for taking prisoner before a magistrate or to prison. In serving subpoenas, or venires, in criminal cases, he shall receive mileage from the most distant only, when witnesses or jurors live in the same direction. For all services in Justices' Courts, the same fees allowed to Constables.

Attachment.

Notices and
advertising.

Commissions

Collection.

Deed.

Restitution.

Mileage.

In Court.

Habeas cor-
pus.Other com-
pensation.Inquest of
property.In Supreme
Court.Arrest and
subpoena.Death penal-
ty.

Jurors.

Mileage.

FEES OF CORONERS.

Inquest. SEC. 8. All services in summoning jury of inquest, three dollars. For swearing a jury, fifty cents. For issuing warrant of arrest, fifty cents. For issuing subpoena, for each witness, twenty-five cents. For each mile necessarily traveled in going to the place of the dead body, thirty cents—which fees, in all inquests, shall be paid out of the County Treasury, as other demands. For all services rendered by him, when acting as Sheriff, the same fees as are allowed the Sheriff for similar services. For swearing each witness, twenty-five cents. For taking down the testimony of each witness, per folio, twenty-five cents.

Jury.

Warrant.

Subpoena.

Mileage.

As sheriff.

Witness.

FEES OF CONSTABLES.

Summons. SEC. 9. For serving summons in civil suit, for each defendant, one dollar. For summoning a jury before a Justice of the Peace, two dollars. For taking a bond required to be taken, one dollar. For summoning each witness, twenty five cents. For serving an attachment against the property of a defendant, two dollars. For summoning and swearing a jury to try the rights of property, and taking the verdict, three dollars. For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct and the expenses necessarily incurred. For collecting all sums on execution, two per cent., to be charged against the defendant in the execution. Constables shall receive, in serving summons, attachment, order, execution, venire, notice, and subpoena, in civil cases, for each mile necessarily traveled, in going only, (but when two or more persons are served in the same suit, mileage shall only be charged for the most distant, if they live in the same direction,) forty cents.

Bond.

Witnesses.

Attachment.

Jury.

Keeper of property.

Collection.

Mileage.

Warrant.

Criminal cases.

For serving a warrant or order for delivery of personal property, or making an arrest in civil cases, two dollars. For service and travel in criminal cases, the same fees as Sheriffs for like services. For all other services, except attending Court, the same fees as are allowed to Sheriffs for similar services.

INTERPRETERS AND TRANSLATORS.

Compensation. SEC. 10. Interpreters and translators may be allowed such compensation for their services as the Court shall certify to be necessary, to be taxed and collected as other costs; but the same shall not exceed three dollars per day.

Repealing. SEC. 11. All Acts, and parts of Acts, in conflict or inconsistent with the provisions of this Act, so far as the same relate to the County of Tuolumne, are hereby repealed.

Take effect. SEC. 12. This Act to take effect and be in force from and after the first day of October, one thousand eight hundred and fifty-nine.

CHAP. XV.—*An Act amendatory of an Act to fix the Time for holding the Terms of the District Court throughout this State, passed May eighteenth, one thousand eight hundred and fifty-three.*

[Approved February 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1.—Section first of said Act is hereby amended so as Act amended to read as follows :

Section first—The several terms of the Judicial Districts in First district this State, during each year, shall commence as follows :

First—In the First Judicial District, in the County of San San Diego. Diego, on the second Monday of January, May, and September.

In the County of Los Angeles, on the third Monday of March, Los Angeles. July, and November.

In the County of San Bernardino, on the third Monday of Feb- San Bernar ruary, June, and October. dino.

SEC. 2. All Acts, and parts of Acts, in conflict with the provi- Repealing. sions of this Act, are hereby repealed.

CHAP. XVI.—*An Act for the Relief of Henry L. Davis.*

[Approved February 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County Relief grant of San Francisco are hereby authorized and directed to allow ed. Henry L. Davis the sum of five hundred dollars, for services rendered as Assistant Clerk to the Board of Examiners, under "An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six," approved April twentieth, one thousand eight hundred and fifty-eight.

SEC. 2. The Auditor of said City and County is hereby author- Auditor's ized and directed to audit the sum allowed, and issue his war- warrant. rant therefor; whereupon, (and upon the presentation thereof,) the Treasurer of the said City and County shall pay the same, as other current indebtedness of the City and County aforesaid.

CHAP. XVII.—*An Act to authorize the Executors of the last will and testament of Thomas O. Larkin, deceased, to sell Personal Property of the Testator at private sale.*

[Approved February 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Executors
authorized.

SECTION 1. Eben L. Childs, Frederic H. Larkin, and Rachael Larkin, executors and executrix of the last will and testament of Thomas O. Larkin, deceased, late of the City and County of San Francisco, are, and each of them is, authorized and empowered to sell at private sale for cash, or upon credit, the personal property of the testator to the extent directed in his last will and testament, and for the purposes therein specified; and, also, so much of said personal estate as it may be necessary to sell for the purpose of paying the debts outstanding against the estate of said testator, the allowance to his family, and the expenses of administration.

Account to
Probate
Court.

SEC. 2. The said executors and executrix, and each of them, shall, within two months after any sale made by them, or by any one of them, under authority of this Act, return an account thereof to the Probate Court of the City and County of San Francisco, in the same form as if such sale were made under the order of the Court.

CHAP. XVIII.—*An Act to authorize Henry Hare Hartley to sell certain Real Estate held by him as Trustee.*

[Approved February 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Trustee au-
thorized.

SECTION 1. Henry Hare Hartley, trustee for Augusta H. Dean, is hereby authorized and empowered to sell, at private sale, any or all that real estate conveyed to him as such Trustee, by Humphrey Griffith, of Yolo County, by deed bearing date on the fifteenth day of July, one thousand eight hundred and fifty-four, and recorded in the County Recorder's office of Yolo County, on the seventeenth day of July, one thousand eight hundred and fifty-four, at nine o'clock and forty minutes, A. M., on folio two hundred and sixty-two and two hundred and sixty-three, of book "B" of Deeds, records of said County; *Provided*, such sale be made by and with the consent and approval of the guardian of said Augusta H. Dean. Upon making such sale as aforesaid, the said Henry Hare Hartley is hereby authorized to make, execute, and deliver, to the purchaser or purchasers, good and sufficient deed

or deeds of conveyance, conveying all the right and title in and to such real estate, or any portion thereof, held by him as such trustee.

SEC. 2. Such sale shall be made for cash; and the said Trustee, upon making any sale under the provisions of this Act, shall pay the sum or sums of money received by him therefrom, to the guardian of the said Augusta H. Dean, whose receipt shall be a sufficient acquittance to the said trustee for all money so received for. Disposal of proceeds.

CHAP. XIX.—*An Act supplementary to the Act concerning the Writ of Habeas Corpus.*

[Approved February 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever application is made to the Supreme Court for a writ of *habeas corpus*, it shall be lawful for said Court, if it appear that the writ ought to issue, to make the same returnable before one of the Justices thereof, at Chambers, or before any District or County Judge of the State. It shall be the duty of the Judge, before whom the writ is thus made returnable, to hear and determine the application thereon. Writ returnable.

SEC. 2. Whenever application is made to one of the Justices of the Supreme Court for a writ of *habeas corpus*, it shall be lawful for such Justice, if it appear that the writ ought to issue, to make the same returnable either before the Court, or before one of the other Justices thereof, or before any District or County Judge of the State. It shall be the duty of the Court, or Judge, before whom the writ is thus made returnable, to hear and determine the application thereon. Hear and determine.

CHAP. XX.—*An Act to fix the Terms of the Probate Court in and for the County of Tuolumne.*

[Approved February 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. A regular term of the Probate Court in and for the County of Tuolumne, shall hereafter be holden on the fourth Monday in each month, during the year. Terms fixed.

SEC. 2. All Acts, or parts of Acts, inconsistent with the provisions of this Act, so far as the same relate to the County of Tuolumne, are hereby repealed. Repealing.

CHAP. XXI.—*An Act to amend an Act entitled an Act concerning Roads and Highways in certain Counties therein named, approved April the twenty-second, one thousand eight hundred and fifty-eight.*

[Approved February 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section twelve of said Act is hereby amended to read as follows:

Counties specified.

Section twelve—The provisions of this Act shall apply to, and be in force in, the Counties of Contra Costa, Napa, Sonoma, Yolo, San Joaquin, and Solano.

CHAP. XXII.—*An Act to authorize and require the Board of Supervisors of the County of San Mateo to levy a Special Tax.*

[Approved February 4, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special tax.

SECTION 1. The Board of Supervisors of the County of San Mateo are hereby authorized and required, for the year one thousand eight hundred and fifty-nine, to levy a special tax of twenty-five cents on each one hundred dollars of taxable property in said County, for the purpose of raising money for the completion of the Court-House and Jail in said County, and paying therefor, in accordance with the contract entered into by the Board of Supervisors of said County for the construction of the same. The said tax shall be levied and collected at the time, and in the manner, of levying and collecting taxes for State County purposes.

Levying.

CHAP. XXIII.—*An Act to extend the Time for completing the Assessment-Roll, and for collecting the Taxes of San Bernardino County.*

[Approved February 4, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time extended.

SECTION 1. The time for completing the assessment, and making out the original assessment-roll in the County of San Bernardino, for the year eighteen hundred and fifty-eight, is

hereby extended to the first Monday in March, one thousand eight hundred and fifty-nine; and all acts which were required to be done by the Auditor and Assessor of said County, pertaining to the assessment-roll for the year one thousand eight hundred and fifty-eight, by virtue of an Act entitled an Act to provide revenue for the support of this State, approved April twenty-ninth, one thousand eight hundred and fifty-seven, shall be done on the first Monday in March, one thousand eight hundred and fifty-nine, by the present Auditor and Assessor.

Time for
completing
assessment
enlarged.

SEC. 2. The Board of Equalization of said County shall meet on the second Monday of March, of this year, for the purpose of equalizing the unpaid taxes assessed for the year one thousand eight hundred and fifty-eight, and may continue in session one week.

Board of
Equalization
Time of
meeting.

SEC. 3. The time of collecting taxes in said County, for the year one thousand eight hundred and fifty-eight, is hereby extended to the first day of April, one thousand eight hundred and fifty-nine, and all taxes remaining unpaid, on said day, are hereby declared delinquent.

Taxes—time
of collection
extended.

SEC. 4. The Sheriff of said County is hereby required to make his levy, for the collection of said delinquent taxes, on the said first day of April, one thousand eight hundred and fifty-nine, and proceed to sell, under such levy, after twenty days' notice, according to the provisions of said Act of April twenty-ninth, one thousand eight hundred and fifty-seven.

Sheriff to
levy and sell.
When.

SEC. 5. All laws, or parts of laws, in conflict with the provisions of this Act, are hereby declared and made inoperative and of no effect, as far as this Act is concerned.

Repealing
clause.

CHAP. XXIV.—*An Act to extend the Time for the collection of Delinquent Taxes in the City and County of San Francisco.*

[Approved February 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The time for the collection of the delinquent taxes, in the City and County of San Francisco, is hereby extended to the first Monday in June, eighteen hundred and fifty-nine, and all acts required by law to be done by the Tax-Collector on the first Monday of February, eighteen hundred and fifty-nine, shall be done on said first Monday in June, eighteen hundred and fifty-nine.

Delinquent
taxes—time
for collection
enlarged.

SEC. 2. In all cases where the Tax-Collector of said City and County is, has been, or shall be, restrained or enjoined by any Court of Law from collecting any delinquent tax, the time for the collection of such delinquent tax is hereby extended, for the space of four months from the time when such injunction shall be dissolved or cease to be obligatory on said Tax-Collector.

Four months
allowed,
when re-
strained by
injunction.

SEC. 3. The said Tax-Collector shall, in addition to the bonds

**Tax Collect-
or—bond en-
larged.** now required by law, give a further bond in the sum of ten thousand dollars, conditioned for the faithful performance of his duties under the provisions of this Act.

CHAP. XXV.—*An Act to extend the Time for collecting Taxes in the County of Solano.*

[Approved February 5, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

**Collection of
taxes—time
enlarged.**

SECTION 1. The Sheriff of the County of Solano is hereby authorized and empowered to continue the collection of State and County taxes due therein, until the first Monday in April next, and for such purposes he shall have all the powers given to Sheriffs by the Act to provide revenue for the support of the general government of this State; and, in said collections, he shall be governed, in all respects, by said Act, and he shall not be required to make his final settlement, or to return his delinquent-list, until the second Monday in April next; *Provided*, he shall make settlement, in accordance with the provisions of said Act, of all taxes collected before proceeding under this Act.

Limitation.

SEC. 2. This Act shall expire on the eleventh day of April next; and, during its continuance, all provisions of law in conflict or inconsistent with this Act are hereby suspended.

**Sheriff to file
new bond.**

SEC. 3. Before the extension herein granted shall take effect, the said Sheriff shall file with the Clerk of the Board of Supervisors, a new bond, conditioned in the sum of five thousand dollars, for the faithful discharge of the duties imposed upon him by this Act.

CHAP. XXVI.—*An Act providing for holding a Special Term of the District Court in Del Norte County.*

[Approved February 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Special term.

SECTION 1. The District Judge of the Eighth Judicial District of this State is hereby authorized and required to hold a special term of the District Court, for the transaction of criminal business, in Del Norte County, commencing on the third Monday in February, one thousand eight hundred and fifty-nine.

CHAP. XXVII.—*An Act Supplementary to an Act to extend the Time for completing the Assessment-Roll, and for Collecting the Taxes, of San Bernardino County.*

[Approved February 10, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Before entering upon the discharge of the duties required by the Act to which this is supplementary, the Sheriff of San Bernardino County shall file with the Clerk of the Board of Supervisors of said County, a new bond, conditioned in the sum of three thousand dollars, for the faithful discharge of the duties required by this said Act. Sheriff to file new bond.

CHAP. XXVIII.—*An Act to authorize and direct the Board of Supervisors of the City and County of San Francisco to pay, out of the General Fund, certain Claims therein mentioned.*

[Approved February 11, 1859.] .

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and directed to audit, allow, and order paid, out of the General Fund of said City and County, demands on the Treasury numbers fifteen hundred and sixty-four, one thousand seven hundred and fifty-two, two thousand five hundred and eighty, and two thousand nine hundred and forty-two, drawn, audited, and allowed, in favor of H. M. Willis, on the fund known as the special Prosecuting-Attorney's Fee Fund, for services rendered as Prosecuting-Attorney of the Police Court of said City and County, for the month of December, A. D. eighteen hundred and fifty-seven, and January, April and May, eighteen hundred and fifty-eight, under the provisions of an Act to amend an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, approved April eighteenth, eighteen hundred and fifty-seven. Claim allowed.

SEC. 2. The Auditor of said City and County is hereby authorized and directed to audit the sum allowed, and issue his warrant therefor; whereupon, and upon the presentation thereof, the Treasurer of said City and County shall pay the same, as other current indebtedness of the City and County aforesaid. Warrant to issue.

CHAP. XXIX.—*An Act submitting to the People of the City and County of Sacramento a proposition to appropriate Money for the purchase and construction of suitable Grounds and Buildings for the use of the State Agricultural Society, and for other purposes, in the City of Sacramento.*

[Approved February 10, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Proposition
to be voted
on.

SECTION 1. An election is hereby directed to be held in the City and County of Sacramento, on the nineteenth day of February, A. D. one thousand eight hundred and fifty-nine. At such election there shall be submitted to the voters of said City and County of Sacramento, a proposition to appropriate money to be applied solely to the purchase of suitable grounds and the erection of appropriate buildings, in the City of Sacramento, for the use of the State Agricultural Society, and for other purposes, as herein provided for.

SEC. 2. The ballots at such election shall contain either the words, "For tax for the State Agricultural Society," or "Against tax for the State Agricultural Society," and if there be a majority of all the votes cast on this question at such election for tax for the State Agricultural Society, then the Board of Supervisors of said City and County of Sacramento shall levy, and cause to be collected, a tax of one-fourth of one per cent. upon all taxable property in the City and County of Sacramento, for the purposes aforesaid.

Tax—how
collected.

SEC. 3. The said Board of Supervisors, in making said levy, shall take the assessment-roll for the year one thousand eight hundred and fifty-nine, and the same is hereby made the basis of levy, and the tax thus levied shall be collected by the Tax-Collector of the said City and County of Sacramento, in the same manner as the State and County taxes are required to be collected. Said Tax-Collector shall keep said taxes thus collected by him, separate and apart from the other taxes. He shall pay the same over to the County Treasurer, to be held by him as a separate fund, which shall be denominated the Agricultural Fund.

Commission-
ers—their
duties.

SEC. 4. Jerome C. Davis, of Yolo County, and A. P. Smith, and D. W. Welty, of Sacramento County, are hereby constituted and appointed a Board of Commissioners, with power to select and contract for the purchase of suitable grounds for the purposes herein set forth. Said Commissioners, after making said contract, and before the same shall have any binding effect on the City and County of Sacramento, shall submit the same to the Board of Supervisors of the City and County of Sacramento, and, if approved by them, said grounds shall be purchased and paid for from the money in said Agricultural Fund, by warrants drawn in favor of the vendor, in manner and form as other moneys are drawn from the treasury of said City and County of Sacramento. The title to the premises thus purchased shall

vest in said Board of Supervisors, and be and remain under their direction and control, for the use of the State Agricultural Society; and when not in use by said Society, then to be used by other agricultural, horticultural, mining, or mechanical societies.

SEC. 5. The Board of Managers of the State Agricultural Society shall have power to cause to be erected all suitable and needful buildings, and all proper improvements to be made on said grounds which they shall deem necessary for the purposes aforesaid. The accounts accruing for the erection and making said buildings and improvements shall be submitted to the Board of Supervisors aforesaid, and, if allowed, shall be paid out of the Agricultural Fund, in the same manner as other accounts are now directed by law to be paid out of the appropriate fund; *Provided*, that no account shall be allowed which shall make the aggregate amount allowed greater than the amount in the Agricultural Fund.

Supervisors
to examine
accounts.

SEC. 6. The Treasurer shall receive one per cent., and no more, as his compensation for receiving, keeping, and disbursing of said fund; and it shall be the duty of the said Board of Supervisors to ascertain the amount due him, and to order the same to be paid in the same manner as is now directed for like services.

Treasurer—
compensation
of.

SEC. 7. No compensation shall be allowed to the Board of Commissioners, or to the State Board of Agriculture, or to any member of either of said Boards, for any services which they or either of them may perform under this Act.

Commissioners
to receive
no pay.

CHAP. XXX.—*An Act amendatory of an Act "to change the Times of holding the Court of Sessions and County Court of the Counties of Los Angeles and Yolo," approved April eighth, one thousand eight hundred and fifty-eight.*

[Approved February 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section first of said Act is hereby amended so as to read as follows;

Section first—The Court of Sessions in and for the County of Los Angeles shall be held on the fourth Monday of February, and the first Mondays of May, July, September and November.

Court of Sessions—Los Angeles.

SEC. 2. Section second of said Act is hereby amended so as to read as follows:

Section second—The County Court in and for the County of Los Angeles shall be held on the second Monday in February, and third Mondays of April, June, August, and October.

County Court—Los Angeles.

SEC. 3. The Court of Sessions in and for the County of Yolo shall be held on the first Monday of April, July and December, of each year. The terms of the County Court of Yolo County

County Court and Court of Sessions of Yolo

shall be held on the first Monday of January, May and September, of each year. The terms of the Probate Court of Yolo County, shall be held on the second Mondays of January, March, May, July, September and November.

Repealing
clause.

SEC. 4. An Act entitled "An Act to change the times of holding the Courts in Yolo County," approved February twentieth, one thousand eight hundred and fifty-seven, is hereby repealed.

CHAP. XXXI.—*An Act to provide for the Payment of Volumes Nine and Ten of the Reports of the Supreme Court of the State of California.*

[Approved February 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Appropriation.

SECTION 1. The sum of four thousand dollars is hereby appropriated from the General Fund, out of any moneys in the treasury not otherwise appropriated, to be applied to the payment of three hundred copies of the ninth, and three hundred copies of the tenth volumes of the Reports of the Supreme Court of the State of California.

Warrant to
be drawn.

SEC. 2. Upon the delivery to the Secretary of State of three hundred copies of volume nine, and three hundred copies of volume ten of said Reports, bound in law style as heretofore published, by Harvey Lee, Reporter of said Court, the Controller of State is hereby authorized and required to draw his warrant or warrants on the Treasurer of State, in favor of said Harvey Lee, for the sum of four thousand dollars.

CHAP. XXXII.—*An Act to amend an Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled "An Act to amend an Act concerning the Courts of Justice of this State and Judicial Offices," passed May nineteenth, one thousand eight hundred and fifty-three.*

[Approved February 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Act passed February seventeenth, one thousand eight hundred and fifty-five, entitled "Act to amend an Act concerning the Courts of Justice of this State and Judicial offices," passed May nineteenth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows:

Section one—Section seventeen of the Act entitled "An Act

concerning the Courts of Justice of this State and Judicial offices," passed May nineteenth, one thousand eight hundred and fifty-three, is hereby amended so as to read as follows:

Section seventeen—Each Judge shall reside in his District, except that the Judges of the Fourth and Twelfth Judicial Districts may reside in any part of the County of San Francisco, and no person shall be eligible to the office of District Judge who shall not have been a citizen of the United States and a resident of this State for two years, and of the District six months previous to his election. But a residence in any part of the City and County of San Francisco shall be deemed a residence within the Fourth or Twelfth Judicial Districts, within the meaning of the last clause of this section.

Judges—eligibility and residence.

CHAP. XXXIII.—*An Act to extend the Time for Collecting Taxes in the County of Napa.*

[Approved February 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff of the County of Napa is hereby authorized and empowered to continue the collection of State and County taxes due thereon, until the first Monday in May next; and, for such purposes, he shall have all the powers given to Sheriffs by the Act to provide revenue for the support of the general government of this State, and in said collection he shall be governed in all respects by said Act; and he shall not be required to make his final settlement, or to return his delinquent-list until the first Monday in May next; *Provided*, he shall make settlement, in accordance with the provisions of said Act, of all taxes collected before proceeding under this Act.

Time extended.

SEC. 2. This Act shall expire on the fifteenth day of May next; and, during its continuance, all provisions of laws in conflict or inconsistent with this Act are hereby suspended.

Limitation.

SEC. 3. Before the extension herein given or granted shall take effect, the said Sheriff shall file with the Clerk of the Board of Supervisors a new bond, conditioned in the sum of ten thousand dollars, for the faithful discharge of the duties imposed upon him by this Act.

Sheriff to give new bond.

CHAP. XXXIV.—*An Act to amend "An Act concerning the Office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador," approved April fifth, one thousand eight hundred and fifty-six.*

[Approved February 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Fees.

Section one—The Public Administrator of the Counties of Nevada, Sierra, Sacramento, Monterey, and Amador, shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators by an Act entitled "An Act to regulate the settlement of the estates of deceased persons," passed May first, one thousand eight hundred and fifty-one.

CHAP. XXXV.—*An Act to authorize the Location of the Town-Site of Crescent City.*

[Approved February 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Common Council authorized to enter city on public lands.

SECTION 1. The Common Council of Crescent City, in Del Norte County, in this State, shall be, and they hereby are, authorized to locate, at the proper Land Office, in trust for the several parties entitled to portions of the location, in accordance with the provisions of an Act of Congress entitled "An Act for the relief of citizens of towns upon the public lands of the United States, under certain circumstances," approved May twenty-third, eighteen hundred and forty-four, and the Act of Congress entitled an Act to provide for the survey of the public lands in California, the granting of pre-emption rights therein, and for other purposes," approved March third, eighteen hundred and fifty-three, the following mentioned tracts of land, or such portions thereof as they may be entitled to under the laws of the United States, to wit:—Fractional section number twenty-nine, and the west fractional half of the north-west quarter of section number twenty-eight, containing four hundred and sixty-seven and seventy-one one-hundredth acres in township number sixteen north, range number one west of the Humboldt meridian—the same being the legal subdivisions necessary to include, in the town-site location, all that portion located by the original settlers of said town, under the Act of this State entitled "An Act to provide for the disposal of the five hundred

thousand acres of land granted to this State by Act of Congress," passed May third, eighteen hundred and fifty-two.

SEC. 2. Immediately after the location and entry of said lands at the proper Land Office, the Common Council of Crescent City, aforesaid, shall cause notice to be published in the newspapers published in the said County of Del Norte, weekly, for four successive weeks, requiring every claimant of any portion or lot of the lands included in said location to present a statement, supported by the proper evidence of their respective claims, to the Common Council aforesaid, and file the same with the Clerk of said Council, at his office, in said town of Crescent City, within six months from the date of the publication thereof; and the said Clerk shall be in attendance, at his office, at all ordinary business hours, for the reception of such statements. Claimants to be notified, etc.

SEC. 3. The evidence mentioned in the preceding section shall be proof of title from I. F. Wendell, the original locator under school-land warrants on behalf of the original settlers, hereinbefore mentioned, or from his grantees, or their successors in interest; and no other proof or evidence, whether it include occupancy or not, shall be held valid by the said Common Council; *Provided*, that in case of proof to said Common Council of the loss of the original deed to the grantee or his successor in interest, claiming any portion of said location, the said Common Council may receive such secondary evidence as to the fact of the claimant being such grantee or successor in interest, as would be received under similar circumstances in a Court of Justice.

SEC. 4. On receipt of the proof hereinbefore mentioned, and on payment by the claimant or claimants of his or their proportion of the necessary expenses attendant upon this location, the said Common Council shall make and deliver to the parties proving themselves entitled thereto, a good and sufficient deed, or deeds, to the portions of said location to which they are respectively entitled. Common Council to deed to claimants.

SEC. 5. In all claims or deeds, under the provisions of this Act, reference shall be made to, and the lines followed, of the map of said town of Crescent City, as surveyed by T. P. Robinson in the year eighteen hundred and fifty-three, and on file in the office of the Recorder of said County of Del Norte.

SEC. 6. All lots or tracts of land within the location herein authorized, which shall remain unclaimed or unproved at the expiration of the time prescribed in section two of this Act, shall revert to the said Common Council of Crescent City and their successors, in trust for the use and benefit of the corporation of "The Common Council of Crescent City."

SEC. 7. The proportion of expense to be paid by each claimant, as specified in section four of this Act, shall be *pro rata* on the expense of the whole location herein authorized, in proportion to the assessed value of the lot or lots respectively claimed by him, her, or them; *Provided*, that the said assessed value shall be fixed by three competent persons, to be appointed by the said Common Council, but not from among their own numbers.

SEC. 8. The provisions of this Act shall not apply to the lots and blocks in the original town-site of said Crescent City, which were drawn by the said I. F. Wendell, in the distribution of the said

lots and blocks as laid down in the map referred to in section five of this Act, at the division of the same among the original settlers of said town. The said I. F. Wendell being hereby authorized, in the payment of his proper proportion of the expense of the whole location, to receive from the said Common Council a deed for said lots and blocks.

CHAP. XXXVI.—*An Act to provide for the Relinquishment to the United States, in certain cases, to Title in Lands for Sites of Light-houses, and for other purposes, on the Coasts and Waters of this State.*

[Approved February 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Condonation
of lands for
public use.

SECTION 1. That whenever it shall be made to appear to any one of the District Courts of this State, upon the application of any authorized agent of the United States, that the said United States are desirous of purchasing any tract of land, and the right of way thereto, within the limits of this State, for the erection of a light-house, beacon-light, range-light, fortifications, navy-yard, or other military or naval purposes, and that the owner or owners of said lands are unknown, non-residents, or minors, or from any other cause are incapable of making a perfect title to said lands, or in case the said owners being residents, and capable of conveying, shall, from disagreement in price, or any other cause whatever, refuse to convey said lands to the United States, it shall be the duty of the Judge of the District Court in which the lands so designated to be purchased are situated, to order notice of the said application to be published in some newspaper nearest to where said lands lie, also in one newspaper published in the City of San Francisco, once in each week, for the space of four months, which notice shall contain an accurate description of the said lands, together with the names of the owners, or supposed owners, and shall require all persons interested in the said lands to come forward, on a day to be specified in said notice, and file their objections, if any they should have, to the proposed purchase; and, at the time specified in said notice, it shall be the duty of the said District Court to impanel a jury, in the manner now provided by law, to assess the value of said lands, and all damages sustained by the owner of the lands so appropriated, by reason of such appropriation; which amount, when so assessed, together with the entire costs of said proceedings, shall be paid into the County Treasury of the County in which said proceedings are had, and thereupon the Sheriff of the said County, upon the production of the certificate of the Treasurer of said County, that the said amount has been paid, shall execute to the United States, and deliver to their authorized agent, a deed of the said land, reciting the proceedings in said cause,

Money to be
paid into
County Treas-
ury.

which said deed shall convey to the said United States a good and absolute title to the said lands against all persons whatsoever.

SEC. 2. That the money so paid into the County Treasury shall there remain until ordered to be paid out by a Court of competent jurisdiction.

SEC. 3. It shall be the duty of the Judge directing money to be paid to a County Treasurer, in accordance with the provisions of this Act, to require of such Treasurer a bond in double the amount of money ordered to be paid to him, with two or more sufficient sureties, to be approved by said Judge. Said bonds shall be payable to the people of the State of California, for the use and benefit of such persons, severally, as are entitled to said money; said bonds shall be executed, approved, and filed with the Clerk of said Court before receiving said money. Treasurer to give bond, etc.

SEC. 5. In addition to the publication required by this Act, if there be a newspaper printed in the Spanish language in the Judicial District where such land is situated, said notice shall also be published in such newspaper, for the length of time herein provided. In all cases of publication of notice under this Act, the Court shall require the same proof as in cases of the publication of notice under the Civil Practice Act of this State.

SEC. 5. That "An Act authorizing the United States to purchase lands for public purposes," approved March tenth, one thousand eight hundred and fifty-seven, be, and the same is hereby, repealed.

CHAP. XXXVII.—*To change the Time of holding the County Court in the County of Marin.*

[Approved February 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Court in and for the County of County Court—time of holding. Marin shall be held on the second Monday of January, March, May, July, September, and November.

SEC. 2. This Act shall take effect on the first day of March, Takes effect. A. D. eighteen hundred and fifty-nine.

SEC. 3. Section forty-six of an Act concerning Courts of Repealing clause. Justice in this State, and judicial officers, passed May nineteenth, A. D. eighteen hundred and fifty-three, so far as the same relates to the County of Marin, is hereby repealed.

CHAP. XXXVIII.—*An Act to legalize the Assessment of Real and Personal Property made by John H. Lillard, in the County of Butte, during the Years A. D. eighteen hundred and fifty-six, and A. D. eighteen hundred and fifty-seven.*

[Approved February 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Assessment
legalized for
1856.

SECTION 1. The assessment of real and personal property made by John H. Lillard, as County Assessor, in and for Butte County, for State and County purposes, during the years A. D. eighteen hundred and fifty-six, and A. D. eighteen hundred and fifty-seven, is hereby legalized and rendered as valid and binding, both at law and in equity, as if said John H. Lillard had been duly elected according to law to fill said office of County Assessor.

CHAP. XXXIX.—*An Act appropriating Money for the Pay of Copying done for the Legislature.*

[Approved February 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Copying for
Senate and
Assembly.

SECTION 1. The sum of five thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for copying done for the Senate, and five thousand dollars for copying done for the Assembly, to be known as the Copying Fund of the Senate, and the Copying Fund of the Assembly, respectively.

Exempt
from super-
vision of
Board of Ex-
aminers.

SEC. 2. The sum appropriated by this Act is hereby expressly exempted from the provisions of an Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer, approved April twenty-first, eighteen hundred and fifty-eight, but shall be disbursed under the direction of the body to which it may respectively belong.

CHAP. XL.—An Act to authorize the Board of Supervisors of Trinity County to levy a Special Tax, and create a Redemption Fund, for the payment of County Indebtedness.

[Approved February 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the County of Trinity shall have power, and it is hereby made their duty, to levy a special tax, annually, in addition to other taxes provided for by law, upon the taxable property in said County, of not more than one-half of one per cent., and said tax shall be collected at the same time and in like manner as other taxes are collected in said County. Tax one-half per cent.

SEC. 2. The tax provided for in the first section of this Act, together with sixty per cent. of all moneys received into the County Treasury for County purposes, from the sale of foreign miners' licenses, shall be set aside and kept as a special fund, to be called a Redemption Fund, and shall be held and disbursed as is hereinafter provided. Redemption fund.

SEC. 3. It shall be the duty of the County Treasurer to give thirty days' notice, by publication in some newspaper published at the County-seat, that sealed proposals, directed to him, for the surrender of County warrants, will be received by him up to the last day of the session of each regular meeting of the Board of Supervisors. Advertisement.

SEC. 4. On the last day of each regular meeting of the Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals, and accept the lowest bids for the surrender of County warrants; *Provided*, that no bid for more than the par value of said warrants, or any bid unless accompanied by the warrants proposed to be surrendered, shall be accepted. Bids to be opened.

SEC. 5. When any bids are accepted, the County Auditor and County Treasurer shall each take description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices, and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the Redemption Fund; and the warrants so redeemed shall be canceled as other redeemed County warrants are, except that the County Treasurer shall write on the face of said warrants, "Purchased," and the amount paid for the same, and shall sign his name thereto. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts. The bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amount of warrants being equal, each shall accept *pro rata*, or Warrants, when paid, to be canceled.

as nearly so as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand.

SEC. 6. The County Treasurer shall keep a separate account, under the head of Redemption Fund, of all moneys received from the sources specified in the first and second sections of this Act, and the said moneys shall never be used or mixed with other Funds.

CHAP. XLI.—*An Act to repeal an Act entitled an Act concerning Roads and Highways in and for the Counties of Alameda and Tuolumne, passed April twenty-sixth, eighteen hundred and fifty-eight, so far as the same relates to the County of Tuolumne.*

[Became a Law by operation of the Constitution, February 14, 1858.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Act entitled an Act concerning roads and highways, in and for the Counties of Tuolumne and Alameda, passed April twenty-sixth, one thousand eight hundred and fifty-eight, so far as the same applies to the County of Tuolumne, is hereby repealed.

Repeal as to
Tuolumne
and Alameda

SEC. 2. This Act shall take effect on the first Monday in August, A. D. one thousand eight hundred and fifty-nine.

[This Act having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this fourteenth (14th) day of February, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. XLII.—*An Act to amend an Act entitled "An Act to authorize the issuance of Duplicates for certain lost School-Land Warrants."*

[Approved February 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the Act aforesaid is hereby amended so as to read as follows :

School-land
warrants.
Duplicates to
be issued.

Section first—The Treasurer of State is hereby authorized and directed to issue, in the names of George W. Stanton and O. M. Evans, of the County of Butte, or in the names of their assigns, (duly proven by acknowledgments before a Notary Public to be such,) the following described California school-land warrants,

viz.: To George W. Stanton or assigns, land warrants numbers one hundred and seventy-eight and one hundred and seventy-nine, originally issued to James S. Bell, June twelfth, eighteen hundred and fifty-two, each being for one hundred and sixty acres of land; and to O. M. Evans or assigns, land warrants numbers four hundred and sixty-six, and six hundred and eleven, each of said warrants being for one hundred and sixty acres of land—number four hundred and sixty-six having been originally issued to W. Melvin Smith, on the twenty-fourth of February, eighteen hundred and fifty-three, and number six hundred and eleven having been issued originally to J. L. Poalk, July twenty-eighth, one thousand eight hundred and fifty-three.

CHAP. XLIII.—*An Act to repeal an Act entitled "An Act to extend the Time for making the Assessment and Collection of Taxes in the County of Siskiyou, approved April twelfth, eighteen hundred and fifty-eight."*

[Approved February 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Act entitled "An Act to extend the time for making the assessment and collection of taxes in the County of Siskiyou," approved April twelfth, A. D. one thousand eight hundred and fifty-eight, is hereby repealed. Act repealed

SEC. 2. This Act shall take effect on the eighth day of March, A. D. one thousand eight hundred and fifty-nine.

CHAP. XLIV.—*An Act fixing the Time of holding the Court of Sessions and the County Court, in the County of Contra Costa.*

[Approved February 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Court of Sessions in the County of Contra Costa shall hereafter be held on the first Monday of February, on the third Monday of May, and on the first Monday of August and of November, in each year, and shall continue until the business is disposed of. Court of Sessions.

SEC. 2. The County Court shall be held at the same time, and its business be arranged by order of the County Judge, so as not to interfere with that of the Court of Sessions. County Court.

SEC. 3. The jury summoned for the Court of Sessions shall be also the jury for the County Court. Jury.

Special term. SEC. 4. Special terms of said Courts may be held at any time when the public interest require the same.

Repealing clause. SEC. 5. All Acts, or parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. XLV.—*An Act to fix the Time of holding the County Court, and Court of Sessions, in Amador County.*

[Approved February 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Time of holding. SECTION 1. The terms of the County Court and Court of Sessions of Amador County shall hereafter be held at the same time: on the third Monday of January, March, May, July, September, and November, of each year, and shall continue until all the business of such Courts shall be disposed of.

Jury. SEC. 2. The trial-jury summoned for the Court of Sessions of said County shall be the trial-jury for the County Court thereof.

SEC. 3. All Acts, and parts of Acts, conflicting with the provisions of this Act, are hereby repealed.

CHAP. XLVI.—*An Act to repeal an Act entitled an Act to Incorporate the Town of Oroville, and an Act amendatory of, and supplementary to, an Act to Incorporate the Town of Oroville.*

[Approved February 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Repeal of certain acts. SECTION 1. The Act entitled an Act to incorporate the Town of Oroville, approved March fourteenth, one thousand eight hundred and fifty-seven; also, an Act amendatory of, and supplementary to, an Act to incorporate the Town of Oroville, approved April twenty-second, one thousand eight hundred and fifty-eight, are hereby repealed; *Provided*, nothing in this Act shall annul, affect, or in any manner impair the right, franchise, or immunities, that George W. Garriott, and his assigns, have in and to a certain right of way and water privileges, franchises, and rights, granted to them by said corporation, in Ordinance number seven, that was passed December seventh, A. D. eighteen hundred and fifty-seven, and the same shall continue in full force as if this Act had not passed.

CHAP. XLVII.—*An Act for the Relief of Elisha Packwood.*

[Approved February 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Controller of State is hereby authorized and empowered to issue to Elisha Packwood a duplicate school-land warrant for one hundred and sixty acres of land, numbered four hundred and fourteen ; also, a duplicate school-land warrant for one hundred and sixty acres of land, numbered four hundred and eighteen ; also, a duplicate school-land warrant for one hundred and sixty acres of land, numbered three hundred and forty-four—in lieu of the originals lost by said Elisha Packwood, issued under and by virtue of an Act entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress, passed May third, eighteen hundred and fifty-two ; *Provided*, that said Packwood shall execute to the State of California a good and sufficient bond, in the sum of two thousand dollars, with two or more sufficient sureties, who shall severally justify as sureties to bonds under the Civil Practice Act of this State, which said bonds shall be conditioned that said Packwood shall indemnify the State for all damages or injury sustained by reason of the issuing the duplicate land warrants herein provided for, as also against the return of said original land warrants.

Duplicate
school war-
rants author-
ized.

SEC. 2. The duplicates herein provided to be issued, shall be, to all intents and purposes, as good, and all and every incident thereto shall be as effectual, to all intents and purposes, as though the originals were existing ; and the proper officers may and shall make all and every indorsement thereon as may have been made on said original warrants, or may be necessary to make thereon for the purpose of survey, record, or of floating the same hereafter.

CHAP. XLVIII.—*An Act amendatory of, and supplemental to, an Act entitled an Act to provide for the Location and Sale of the Unsold Portion of the Five Hundred Thousand Acres of Land granted to this State for School Purposes, and the Seventy-Two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, A. D. one thousand eight hundred and fifty-eight.*

[Approved February 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of said Act is hereby amended so as read as follows :

Section nine—It shall be the duty of the Board of Examiners created by an Act approved April twenty-first, eighteen hundred and fifty-eight, entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," whenever it shall appear to said Board that the Treasurer of the State has received into the treasury the sum of ten thousand dollars or upwards, paid in as purchase-money for land, under the provisions of this Act, and as often thereafter as the like sum shall have been paid in as aforesaid, to purchase bonds of the Civil Funded Debt of the State, issued since the first day of January, A. D. eighteen hundred and fifty-eight, to the amount said money paid in as aforesaid will purchase at the lowest price at which they may be purchased, after advertising for two weeks in one daily newspaper, published in the City of San Francisco, and one in the City of Sacramento, for sealed proposals for the sale of said bonds. The said Board shall open said proposals at the time and place specified in said publication, in the presence of the Treasurer and Controller of State, and accept only of such proposals as offer bonds at the greatest discount to the amount the funds in the treasury, paid in as purchase-money for school lands, will purchase. Said Board shall audit the amount due said bidder or bidders for his or their bonds, which amount shall be paid on the order of said Board by the Treasurer, and said Board of Examiners shall deliver said bonds to the Treasurer, who shall keep said bonds as a special deposit in his custody, marked "School Fund," to the credit of said School Fund; *Provided, however,* that no bonds shall be purchased at more than par value. All interest paid into the treasury, under the provisions of this Act, shall be subject to the order of the State Board of Education.

SEC. 2. Section ten of said Act is amended so as to read as follows :

Section ten—On or before the first day of July, A. D. one thousand eight hundred and fifty-nine, the said Board of Examiners shall take and use the purchase-money and interest paid into the treasury for the seminary lands, for the purpose of buying bonds in the same manner, as provided in section one of this Act, and when said bonds have been so purchased, they shall be in like manner delivered to the Treasurer of the State, and kept by him as a special deposit, marked "Seminary Fund," to the credit of said fund. All interest accruing on said seminary bonds, or by purchasers who have bought seminary lands, or purchase-money that may be paid in after the first day of July, A. D. one thousand eight hundred and fifty-nine, shall be invested in State bonds in the same manner as hereinbefore provided for.

SEC. 3. The ten sections of land donated to this State for the purpose of erecting public buildings for the State, shall be located and sold in the same manner, at the same price, and on the same terms as is provided for the sale of the school lands by the Act to which this is supplemental, and the twenty per cent. of the purchase-money, and the ten per cent. interest paid in advance shall be invested in State bonds in the same manner as

Seminary funds—bonds to be purchased.

Seminary bonds.

Lands for public buildings.

bonds are purchased for the Seminary Fund, and when said Bonds. bonds are so purchased, they shall be marked "Public Building Fund," and delivered to the Treasurer of State, and by him kept as a special deposit; *Provided, however,* that no lands located under and by virtue of this section shall be located on any land on which any settlement or improvement has been made, unless the owner of said improvement shall be the applicant for the purchase of said land, and the affidavit required by section three of the Act to which this is supplemental, shall set forth that there is no improvement on the land sought to be located and purchased.

SEC. 4. The twenty per cent. of the purchase-money required to be paid in advance by section five of the Act to which this Act is supplemental, shall be deemed and held to be due and payable within fifty days after the approval of the Surveyor-General is recorded by the Locating Agent, and the interest on the balance shall be computed from the date of the approval of the location in the United States Land Office. It is the true intent and meaning of this Act, and the Act to which this Act is supplemental and amendatory, that each of the several Funds named in this Act shall be kept separate and distinct, and that interest shall be paid at the rate of ten per cent. per annum upon the balance due for school-lands, seminary lands, or public building lands, which interest shall be paid annually, one year in advance. Twenty per cent. of purchase money

SEC. 5. In the event that any location of lands be, or have been made, by the provisions of this Act, or of the Act to which this Act is amendatory and supplemental, upon lands supposed in good faith by the locator to belong to the United States, which should prove to be land not the property of the United States, then, and in that case, the said locator, his heirs, or assigns, may float his or their claim upon other public lands in this State; *Provided,* the float, and the reasons therefor, be made a matter of record at the time, in the office where the original location was recorded. Location, if improperly made, may be floated.

CHAP. XLIX.—*An Act to authorize the Construction of certain Wharves.*

[Approved February 21, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. John R. Price, and such persons as he may associate with him, and his and their assigns, are hereby authorized and empowered to construct two wharves near the lower end of Wharves. the Straits of Carquinez, and near the old Spanish Road leading from Sonoma, Napa, and the North Sacramento Valley, to Monterey and Los Angeles: one on the north side, in Solano County, from the foot of Ferry street, in the Town of Vallejo, on Price and Peabody's fifty-two-acre tract, south four hundred and fifty

Not to obstruct navigation.

yards, more or less, to navigable water, sufficient for all the uses and purposes of a ferry; the other, on the south side of the Straits of Carquinez, in the County of Contra Costa, near the head of San Pablo Bay, from the head of San Pablo Plains, at the foot of the mountains, on the south side of the Straits, forty yards, more or less, to navigable water, sufficient for all the uses and purposes of a ferry; *Provided*, that nothing contained in this section shall be held to authorize the said John R. Price, or such other persons as he may associate with him, or his or their assigns, to interfere, in any manner whatever, with the use of the waters of this State for the purpose of navigation.

SEC. 2. The right of way herein granted is so granted upon the express condition that the same shall, with the wharves and improvements then upon the same, at the expiration of twenty years, revert to the State; also, that the said parties and their assigns shall proceed, in good faith, within six months after the passage of this Act, to erect said wharves; and shall, within one year after the passage of this Act, establish a ferry, with boats, landings, and such other conveniences as the public use may require.

CHAP. L.—*An Act allowing Compensation to the Coroner of the City and County of San Francisco, for certain services.*

[Approved February 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Fees.

SECTION 1. The Coroner of the City and County of San Francisco shall receive, for such chemical analyses as may be deemed necessary by him, in the proper fulfillment of his duties, such sums, not exceeding fifty dollars, for analyses made in any one month, as shall be certified by the chemist or chemists making such analyses to be a reasonable charge; and he shall likewise receive for the interment of deceased persons payment at the same rate, each, as is allowed for the interment of deceased hospital patients in said City and County, not to exceed ten dollars for each interment made by him.

To be paid from general fund.

SEC. 2. The compensation allowed by this Act shall be paid out of the General Fund, and shall be audited and paid in the same manner as the salaries of officers for the said City and County; *Provided*, that the said Coroner shall make oath that he has received no compensation for any of the items charged in his demand; and, also, that the analyses charged in his demand, if any have been made, as charged therein, and that the same were necessary to the proper discharge of the duties of his office, and that the interments charged in his demand, if any have been made by him, and that the bodies interred were proper subject for burial by the Coroner.

CHAP. LI.—*An Act to provide for the Erection of Public Buildings in the County of Solano.*

[Approved February 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of Solano are hereby authorized and empowered to levy a tax upon the taxable property of the County, not exceeding one-half of one per cent., the proceeds of which shall be applied to the erection and furnishing a Court-house and County-jail, and shall be applied to no other purpose. Tax for Jail and Court-House.

SEC. 2. Whenever said buildings shall be completed, furnished, and paid for, this Act shall cease and be of no effect. Limitation.

CHAP. LII.—*An Act to provide for holding the January Term of the District Court of the Seventeenth Judicial District, in the County of Plumas.*

[Approved February 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The term of the District Court of the Seventeenth Judicial District, which, by law, commences on the second Monday of January, in each year, may commence on the second Monday of January, as now provided by law, or at any other time between the said second Monday of January, and the first Monday of March, in each year. Time of holding Court.

CHAP. LIII.—*To authorize the Board of Supervisors of Alameda County to levy a Special Tax, for School Purposes.*

[Approved February 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of Alameda County are hereby authorized to levy a tax for school purposes, not exceeding twenty-five cents on the one hundred dollars. Tax for school purposes.

SEC. 2. The tax thus levied shall be collected in the manner prescribed for the collection of taxes for State and County pur-

posos, and when collected shall be paid into the County treasury, to the credit of the School Fund.

CHAP. LIV.—*An Act to authorize the Sale of the Real Estate of the late Joaquin Soto, deceased.*

[Approved February 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Sale may be
public or
private.

SECTION 1. That Carmen Castro de Soto, executrix, and Bernardino Soto, executor of the last will and testament of Joaquin Soto, deceased, late of Monterey County, be, and they are hereby, authorized and empowered to sell such portion or portions of the real estate of which the said Joaquin Soto died seized or possessed, in the State of California, and any right, title, or interest in such real estate belonging to the deceased in his lifetime, as they may deem necessary and proper for the payment of the debts outstanding against the estate of the deceased, the support and education of the family, the expenses of administration, and the final partition and distribution of the estate of the deceased among his heirs and devisees, at such time or times, on such terms, and in such manner, whether at public or private sale, as shall be most advantageous to said estate; *Provided*, that no sale made under and by virtue of the power hereby conferred, for a sum less than two-thirds the appraised value of the real estate sold, shall be confirmed by the Court.

SEC. 2. The said executrix and executor shall make a full report of any and all such sales as shall be made by them, to the Probate Court of the County of Monterey; and the Judge of the said Court shall, either in term-time, or in vacation, in open Court, or at Chambers, examine the same, and confirm or set aside the said sale or sales, as in other cases of sales of real estate by executors or administrators.

Deeds.

SEC. 3. The executrix and executor are hereby authorized, upon the confirmation of any such sale or sales as herein before provided, and the compliance on the part of the purchaser with the terms of such sale or sales, to execute, acknowledge, and deliver to said purchaser or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said Joaquin Soto, in his lifetime.

Bond of executor.

SEC. 4. Prior to the making of any sale of real estate under and by virtue of the power hereby conferred, the executrix and executor herein named shall jointly execute a good and sufficient bond, conditioned as now provided for by law in such cases, with two or more sureties, in double the amount of the appraised value of the real estate sought to be sold.

CHAP. LV.—*An Act to amend "An Act to amend an Act to regulate proceedings in Civil Cases," passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved February 21, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section twenty-four of said Act is hereby amended so as to read as follows :

Section twenty-four—The summons shall state the parties to the action, the Court in which it is brought, the County in which the complaint is filed, the cause and general nature of the action, and require the defendant to appear and answer the complaint within the time mentioned in the next section, after the service of summons, exclusive of the the day of service, or that judgment by default will be taken against him, according to the prayer of the complaint, briefly stating the sum of money or other relief demanded in the complaint, and the Clerk shall also indorse on the summons the names of the plaintiff's attorneys.

What summons must state.

SEC. 2. Section twenty-eight of said Act is hereby amended so as to read as follows :

Section twenty-eight—The summons shall be served by the Sheriff of the County where the defendant is found, or by his Deputy, or by a person specially appointed by him, or appointed by a Judge of the Court in which the action is brought, or by any white male citizen of the United States, over twenty-one years of age, who is competent to be a witness on the trial of the action, except as hereinafter provided. When the summons is served by the Sheriff or his Deputy, it shall be returned with the certificate or affidavit of the officer, of its service. When the summons is served by any other person, as before provided, it shall be returned to the office of the Clerk from which it issued, with the affidavit of such person of its service. At the time of filing the complaint, a true and correct copy thereof shall be deposited with the Clerk of the Court, by the plaintiff or his attorney, for the use of the party defendant; which copy shall be by the Clerk delivered to the defendant's attorney, or any party defendant named in the complaint, demanding and receipting for the same. In case no such copy is deposited by the plaintiff or his attorney, the defendant or his attorney may have a copy of the complaint made and certified by the Clerk of the Court, the fees for which shall be taxed as costs, to abide the final result of the action.

Summons, how served.

Copy of complaint to be filed.

SEC. 3. This Act shall take effect on the twentieth day of May, eighteen hundred and fifty-nine; *Provided* that the provisions thereof shall not affect any actions commenced before the twentieth day of May, eighteen hundred and fifty-nine.

To take effect.

CHAP. LVI.—*An Act to authorize the Board of Supervisors of Siskiyou County to audit and allow the Claims of D. R. Dale.*

[Approved February 23, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

WITNESS fees. SECTION 1. The Board of Supervisors of the County of Siskiyou are hereby authorized and empowered to audit and allow the claims of D. R. Dale, for services as a witness in the case of The People of the State of California against Thomas W. Browder; *Provided*, That the sum allowed shall not exceed three hundred dollars.

CHAP. LVII.—*To attach certain Territory to the City of Sacramento for School Purposes.*

[Approved February 23, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Territory added for school purposes. SECTION 1. All that territory in Sacramento County lying east of, and adjacent to, the City of Sacramento, bounded by Thirty-first street, the American Fork, and Fort Slough, from where it diverges from said American Fork to its intersection with said Thirty-first street, is hereby attached to the City of Sacramento, for school purposes.

SEC. 2. All laws, ordinances, and orders, in relation to schools, which now are or may hereafter be made applicable to the territory within the limits of said City, shall apply with equal force and effect to the territory included within the boundaries mentioned in section one of this Act.

CHAP. LVIII.—*An Act to amend an Act concerning the Office of County Judge of San Joaquin County.*

[Became a Law by operation of the Constitution, February 23, 1858.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Compensation of County Judge. SECTION 1. Section two of an Act entitled an Act concerning the office of County Judge of San Joaquin County, approved March thirtieth, eighteen hundred and fifty-eight, is hereby repealed.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-third day of February, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. LIX.—*An Act to authorize the Auditor and Treasurer of the City and County of Sacramento, to Transfer certain Funds, and for other Purposes.*

[Approved February 23, 1859.]

The People of the State of California represented in Senate and Assembly, do enact as follows :

SECTION 1. On or before the first day of March, A. D. eighteen hundred and fifty-nine, the Auditor and Treasurer of the City and County of Sacramento shall transfer from the County Salary Fund, to the Contingent Fund of the County, any surplus that may be in said Salary Fund. Transfer of funds.

SEC. 2. All accounts for contingent expenses which have accrued against the County since the first day of May, A. D. eighteen hundred and fifty-eight, or which may hereafter accrue, and not otherwise provided for, shall be audited on, and paid out of, the General Fund of the County. Contingents to be paid from general fund.

SEC. 3. The Board of Supervisors, and the Auditor of the City and County of Sacramento, are hereby authorized to allow all equitable demands for services rendered the City and County of Sacramento, by the late officers of the City of Sacramento, after the first day of May, eighteen hundred and fifty-eight. Equitable accounts of officers to be allowed.

SEC. 4. Section thirty-six of article five of an Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory thereto, and to incorporate the City and County of Sacramento, shall not be so construed as to authorize the transfer at the end of any fiscal year, any surplus which may remain in the School Fund to any other Fund, and said surplus in the said School Fund shall be applied exclusively to school purposes, as provided by law. School fund surplus not to be transferred to any other fund.

CHAP. LX.—*An Act providing for holding a Special Term of the District Court of the Thirteenth Judicial District.*

[Approved February 24, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. A term of the District Court of the Thirteenth Special term.

Judicial District shall be held in and for the County of Stanislaus, on the third Monday in April, A. D. eighteen hundred and fifty-nine, at which term such cases only as may have been pending in said Court and County at its adjournment at the February term, may be heard and determined, in the same manner, and with like effect, as at the terms of said Court heretofore provided for by law.

SEC. 2. All Acts, and parts of Acts, inconsistent herewith, are hereby repealed.

CHAP. LXI.—*An Act to authorize the Board of Supervisors of Marin County to levy a Special Tax.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

- Special tax.** SECTION 1. The Board of Supervisors of the County of Marin shall have power, and it is hereby made their duty, to levy a special tax, annually, in addition to other taxes provided for by law, upon the taxable property in the County, of not more than one per cent., and said tax shall be collected at the same time, and in like manner, as other taxes are collected in said County, and said tax shall be set aside and kept as a Special Fund, to be called a Redemption Fund, and shall be held and disbursed as is hereinafter provided.
- Redemption fund.**
- Publication for County warrants.** SEC. 2. It shall be the duty of the County Treasurer to give thirty days' notice, by publication in some newspaper published at the County-seat, if there be any published at said County-seat, and if none be published, then as the Board of Supervisors may direct, that sealed proposals, directed to him, for the surrender of County warrants, will be received by him up to the last day of the session of each regular meeting of the Board of Supervisors.
- Bids to be opened.** SEC. 3. On the last day of each regular meeting of the Board of Supervisors, they, together with the County Auditor and Treasurer, shall attend at the office of the latter, and then and there open all proposals, and accept the lowest bids for the surrender of County warrants; *Provided*, that no bid for more than the par value of said warrants, or any bid, unless accompanied by the warrants proposed to be surrendered, shall be accepted.
- Treasurer and Auditor to keep a list of bids.** SEC. 4. When any bids are accepted, the County Auditor and County Treasurer shall each take a description of the number and amount of warrants to be redeemed, specifying the amount to be paid for each warrant, and make a several record thereof in their respective offices, and thereupon the Board of Supervisors shall make an order directing the County Treasurer to purchase the warrants designated in the accepted bids, and pay for the same out of the Redemption Fund; and the warrants so redeemed shall be canceled as other redeemed County Warrants, except that the County Treasurer shall write on the face of said warrants "purchased," and the amount paid for the same, and shall sign
- To be paid on order of Supervisors.**

his name thereto. The order of the Board of Supervisors directing the County Treasurer to purchase said warrants, together with the record made by the County Auditor, shall be sufficient vouchers for the County Treasurer in the settlement of his accounts; the bids being equal, the preference shall be given to the smallest amount of warrants; the bids and amounts of warrants being equal, each shall be accepted *pro rata*, or as nearly so as possible. The County Treasurer shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand.

SEC. 5. The County Treasurer shall keep a separate account, under the head of Redemption Fund, of all moneys received from the sources specified in the first section of this Act, and the said moneys shall never be used or mixed with other funds.

CHAP. LXII.—*An Act to Fund the Debt of the County of San Bernardino.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All moneys paid to San Bernardino County, or to its treasury or Treasurer for the use and benefit of the County, on and after the first day of March, A. D. one thousand eight hundred and fifty-nine, shall be, and the same are hereby, appropriated to the payment of the expenses and disbursements of the County of San Bernardino accruing on and after that date, and are not to be applied to, nor for, any other purpose, except such as are specifically required by law to be otherwise applied.

Moneys paid into the Treasury first to be paid for expenses of County.

SEC. 2. The income and revenue of said County, of every nature and description, shall be, and the same is, exempt from attachment, execution, and proceedings supplemental to execution.

SEC. 3. No scrip heretofore drawn, or that may hereafter be drawn on the County Treasurer, shall be received in payment of County taxes or other dues, fines, or forfeitures, accruing to the County except from the person in whose favor it was drawn.

Income exempt from execution or attachment.

SEC. 4. The Supervisors of said County are hereby authorized and required to fund all outstanding indebtedness of said County of San Bernardino, which shall have accrued prior to the first day of March, A. D. one thousand eight hundred and fifty-nine, and then remaining unpaid, by issuing bonds in payment thereof, payable in not less than five, nor more than ten years, bearing interest at the rate of seven per cent. per annum; the interest payable at the Treasurer's office on the first Monday of January, A. D. one thousand eight hundred and sixty, and thereafter on the first Monday of January of each year, until the debt and interest are fully liquidated.

Funding County indebtedness.

SEC. 5. On or before the first day of May, one thousand eight

hundred and fifty-nine, the Board of Supervisors of said County shall cause to be made out, bonds for the amount of said indebtedness; said bonds to be in sums of not less than fifty dollars, nor more than five hundred dollars; and every holder of County warrants or scrip, issued on indebtedness of the County, which shall have accrued prior to the first day of March, A. D. one thousand eight hundred and fifty-nine, shall present the same to the Board of Supervisors of said County, within six months, from and after the first day of March, A. D. one thousand eight hundred and fifty-nine, in order that the same may be canceled, and bonds to the amount of said warrants or scrip, with the interest due thereon, shall be issued in lieu thereof, by the Board of Supervisors, to the holder; said bonds to be styled "Bonds of San Bernardino County," and to be signed by the Chairman and Clerk of said Board of Supervisors, and countersigned by the Treasurer. It shall be the duty of the said Board to cause all such warrants or scrip, for which bonds shall be issued as herein provided, to be canceled immediately after issuing bonds therefor.

Bonds.

Tax for redemption and interest.

SEC. 6. For the purpose of paying the interest on the bonds so issued, and also to constitute a Sinking Fund for the redemption of the same, it shall be the duty of the Board of Supervisors of said County, to cause to be levied and collected each year, a special tax on all real and personal property within the County, which shall not be less than ten cents, nor more than twenty cents, on each one hundred dollars' valuation of such real and personal property; such tax to be assessed and collected in the legal currency of this State, at the same time and in like manner as are assessed and collected State and County taxes for other purposes, and the amount of taxes so collected shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

Record of bonds to be kept.

SEC. 7. It shall be the duty of the County Treasurer and Clerk of the Board of Supervisors, each to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, the amount of each, and to whom issued.

If surplus, bonds to be advertised for.

SEC. 8. On the first day of January of each year, when there shall be as much as five hundred dollars in the County treasury, collected by the provisions of this Act, over and above the interest due on such first of January, it shall be the duty of the County Treasurer to advertise, in some newspaper published in the County of San Bernardino, or the County of Los Angeles, and by posting notices in three conspicuous places in said County of San Bernardino for twenty days, stating the amount of such surplus in the Sinking Fund, and inviting bids at said Treasurer's office on a given day, specifying the hour, for proposals to redeem bonds by this Act authorized to be issued. Such bidding shall be made in public, and it shall be the duty of the Treasurer to accept such bids as will redeem the greatest amount of bonds with such surplus, and the same shall be applied to the redemption of such bonds for which bids were accepted, and the same be taken up and canceled; but no bid shall be received at a higher rate than principal and interest.

SEC. 9. Each member of the Board of Supervisors, and the Clerk of said Board, and the Treasurer, shall be entitled to the sum of six dollars for each day that he may be actually engaged in funding said indebtedness, and in recording the bonds.

Compensation of Supervisors and Clerk.

CHAP. LXIII.—*An Act concerning the Officers of Calaveras County and the collection of Poll-taxes, License-taxes, and Foreign Miners' License-taxes, in said County.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Sheriff of Calaveras County, who is now *ex officio* Collector of foreign miners' license-tax in said County, shall cease to be Collector of said tax on the first day of March, in the year eighteen hundred and fifty-nine; and the Assessor of Calaveras County shall cease to be Collector of poll-taxes, either for State or County purposes, and all other taxes, licenses or dues, on the first day of March, A. D. eighteen hundred and fifty-nine; and the County Treasurer of Calaveras County shall cease to be Collector of State and County license or licenses, taxes, or dues, for any purpose whatever, on the first day of March, A. D. eighteen hundred and fifty-nine.

Sheriff not to collect foreign miners' tax.

Assessor not to collect poll-taxes.

Treasurer not to collect taxes of any kind.

SEC. 2. All foreign miners' license-taxes, and all poll-taxes, for either State or County purposes, or for County purposes alone, and all State and County licenses, in and for the County of Calaveras, shall, from and after the first day of March, A. D. eighteen hundred and fifty-nine, be collected in each of the Townships of said County, by an officer in each Township of said County, who shall be known as Collector in said Township.

Taxes for all purposes to be collected by Township Collector.

SEC. 3. There shall be appointed, in each Township in the County of Calaveras, by the Board of Supervisors, at their regular meeting, in February, A. D. eighteen hundred and fifty-nine, a Collector, who shall be Collector of foreign miners' license-taxes, poll-taxes for State and County purposes, or for County purposes alone, and State and County licenses, in his Township, who shall hold his office for twelve months, and until his successor is elected and qualified, unless sooner removed from his said office in pursuance of law; and there shall be elected at the next general election, and annually thereafter, in said County of Calaveras, a Collector for each Township in said County, by the qualified electors of each Township, to be voted for as other Township officers, and who shall enter upon the duties of their office on the first Monday of March succeeding said election, and shall hold their office for twelve months, or until their successors are elected and qualified, unless sooner removed, in pursuance of law. And any vacancy occurring in said office, by death, resignation, removal or otherwise, shall be filled by appointment of the Board of Supervisors of said County.

Collector for Township to be appointed by Supervisors.

At next general election Township Collectors to be elected.

Collector to
give bonds.

SEC. 4. Each Collector shall, before he enters upon the discharge of the duties of his office, make and file his bond, with two or more sureties, in the penal sum of five thousand dollars, conditioned for the true and faithful performance of the duties of his office, that he will well and truly pay over to the Treasurer of the County of Calaveras, on the first Monday of each month, all moneys belonging to the State of California, or County of Calaveras, or both of them, that may have been collected by him in the preceding month, from any source whatever; and that he will at the same time surrender to the County Treasurer all licenses for State and County purposes in his hands unsold, and make a final settlement of the State and County license account with said Treasurer for the preceding month; and that he will, at each monthly settlement with the County Treasurer, immediately present the Treasurer's receipts for all moneys paid to him at each monthly settlement with the County Treasurer, to the Clerk of the Board of Supervisors and the County Auditor, and surrender to them all unsold foreign miners' licenses and poll-tax receipts, and all other tax-receipts received from them, and make a final settlement on the first Monday of each month with the said Clerk of the Board of Supervisors; and the bonds of said Collector shall be approved by the Supervisors of said County as other bonds are required by law to be approved, and it shall be the especial duty of said Supervisors to be satisfied of the sufficiency of the sureties on said bonds.

SEC. 5. It shall be the duty of each Collector to collect from each person within the Township liable to pay the same, all poll-taxes for State and County purposes, and for County purposes only, and all foreign miners' license-taxes, and all other license-taxes, and other dues now collected by the Assessor, or County Treasurer.

SEC. 6. Each Collector shall keep a book in which he shall enter:

To keep a
book con-
taining a list
of persons
taxable and
taxes collect-
ed.

First—The name of each person, or persons, from whom he shall have collected any tax or license, the amount so collected, and for what particular tax or license the same was collected:

Second—He shall enter in said book the names of all persons who are engaged in any business, the carrying on of which is by law required to be done under a license from either State or County, and shall correct said list from time to time, as any person or persons cease to be engaged in such business, or as any person or persons shall engage in any business, trade, or occupation, or profession, for which, before engaging therein, they should have procured a license. Said book shall be the property of the County, and open for public inspection at the office of said Collector on Saturday of each week, from eight o'clock, A. M., to four o'clock, P. M., and shall be by said Collector delivered over to his successor in office.

Collector to
make settle-
ment.

SEC. 7. Each Collector shall, on the first Monday of each month, make a final settlement with the County Treasurer, the County Auditor, and the Clerk of the Board of Supervisors. He shall first pay over all moneys collected by him for foreign miners' licenses, and poll-taxes, and State and County licenses, less his fees for collections, to the County Treasurer, and

take from the said Treasurer two duplicate receipts for the same. The said receipts shall show, first, the amount paid to said Treasurer for money collected for foreign miners' licenses sold; second, the amount paid to said Treasurer for money collected for poll-taxes; third, the amount paid to said Treasurer for money collected for State and County licenses that shall have been issued to him by the County Treasurer, designating how much has been received for each class and kind; fourth, the total receipts; fifth, that the Collector has returned all unsold State and County licenses for the preceding month, and has settled and paid in cash for all not returned. One of which receipts the Collector shall forthwith deliver to the Clerk of the Board of Supervisors, and settle with said officer, taking said officer's receipt of final monthly settlement with him, if his accounts are found correct, and the other receipts, together with the receipt of final settlement with the Clerk of the Board of Supervisors, he shall forthwith deliver to the County Auditor, and settle with said officer; and, if said Auditor shall find, on final settlement with said Collector, that he has accounted to the County Treasurer for all State and County licenses received from him, and has paid over to the said Treasurer all moneys by him collected for foreign miners' licenses, and poll-taxes, and State and County licenses, and that said Collector has settled with the Clerk of the Board of Supervisors, and that the accounts of said Collector are correct, he shall give to said Collector a receipt in full; and, on the presentation of said Auditor's receipt in full and final settlement for the preceding month, to the County Treasurer and Clerk of the Board of Supervisors, and to the Auditor, they may then, and not before, deliver to said Collector so many foreign miners' licenses, and poll-tax receipts, and State and County licenses, as may be required by him for the next succeeding month.

SEC. 8. Each Collector shall be allowed fifteen cents on each dollar for foreign miners' licenses collected, and fifteen cents for each dollar on poll-taxes collected, and ten cents on each dollar collected for State and County license-tax, and the fees now allowed for the enforcing of the collection of the same, and no other compensation whatever, direct or indirect. Compensation.

SEC. 9. Eighty-five cents of the extra dollar for all poll-taxes for State and County purposes which may now by law be collected between the first Monday of August, and the first Monday in January, in each year, shall, so far as the County of Calaveras is concerned, go to the County School Fund of said County, and the remaining fifteen cents shall go to the Collector, for his fees for collecting the same.

SEC. 10. Each Collector shall, at each monthly settlement with the County Auditor, and Clerk of the Board of Supervisors, and the County Treasurer, and before each of them, take the following oath: "I do solemnly swear that I have, for the month preceding this settlement, diligently and faithfully, and to the best of my ability, and according to law, performed the duties of Collector in and for Township No. —, in Calaveras County, and that I have not, knowingly, permitted any person or persons to escape from, or avoid, or evade, the payment of any foreign miners' Oath.

license-tax, or poll-tax, or any license for State and County purposes, that I have the authority to enforce the collection of, and that the sum of _____ dollars and _____ cents, this day paid over by me to the County Treasurer, is the just and true sum received by me, for the preceding month, from all sources whatever, for State and County revenue, less the fees allowed me by law for collecting the same; and that the foreign miners' licenses and poll-tax receipts, and licenses for State and County purposes, which I now surrender, are all that remain in my hands unsold; and that I have not issued, or caused, or permitted to be issued, any foreign miners' licenses, or poll-tax receipts, or State or County licenses not furnished me by the proper officers; and that I have, in no instance, taken from any person or persons any sum of money, or any valuable thing whatever, or promise of reward, and allowed the said person or persons to evade the payment of their foreign miners' license-tax, or their poll-taxes, or their State and County licenses—so help me God." And each, the said Treasurer, County Auditor, and Clerk of the Board of Equalization, are expressly authorized and required to administer the preceding oath to each Collector aforesaid at each monthly settlement; and any Collector who shall, knowingly, willfully, and corruptly, swear falsely to any matter in said preceding oath contained, shall be deemed guilty of perjury, and, on conviction, shall be punished accordingly.

In case of failure.

SEC. 11. If any such Collector shall fail to pay over to the County Treasurer of Calaveras County, on the first Monday of each month, or within three days next succeeding, all moneys by him collected for State and County purposes, in the preceding month, less his fees allowed by law; or, if he shall fail, on the first Monday of each month, or within three days next succeeding, to make the settlement with the County Treasurer, the Clerk of the Board of Supervisors, and the County Auditor, as in this Act provided, the County Auditor shall forthwith, in writing, notify the Chairman of the Board of Supervisors of such failure, who shall forthwith call a special meeting of said Board of Supervisors, to be held on the succeeding Monday of the month in which the failure shall occur, by special summons to each member of the Board, issued by the County Clerk, and forwarded by mail to the nearest Post-office to the residence of each member of said Board, and, on the said Monday succeeding the failure aforesaid, the said Board, or a majority thereof, shall, unless they are satisfied that the act of God, or unavoidable accident, prevented the said Collector from making such settlement, declare the office of said Collector vacant, and publish the same in some newspaper in said County, and shall appoint some competent person in the Township where the vacancy exists, Collector for the Township, who shall be forthwith notified of his appointment, by the Clerk of the Board of Supervisors, and who shall take the oath of office, and file the bonds by this Act required, within ten days, to be approved by the said Board of Supervisors, and shall, on the filing of the bonds, duly approved, forthwith enter upon the discharge of the duties of his office, and shall hold the same for the unexpired term of the defaulting Collector, or until his successor is elected and qualified, as in this Act provided.

Deprived of office.

Appointment of successor.

SEC. 12. Immediately upon the Board of Supervisors declaring the office of Collector vacant, in any Township, for the causes specified in this Act, the Clerk of the said Board shall forthwith notify the District-Attorney for said County of the same, who shall forthwith commence suit, in any Court of competent jurisdiction, upon the bond of said Collector, against him and his sureties, for the amount of his defalcation; as said Collector, and shall file, in the office of the Recorder, who shall record the same, a notice of the commencement of said suit, which shall, from the hour in which the same is filed, be a lien on all real and personal property of the said officer and his sureties, until the said officer or his sureties shall have fully settled the full amount of whatever judgment may be recovered against them in said suit, or shall have settled with the proper officers of the County, as herein provided, and surrendered up to them all the foreign miners' licenses and poll-tax receipts, and State and County licenses, in the hands of the said Collector remaining unsold.

SEC. 13. The time and manner of the settlement between the various County officers of Calaveras County, or between the aforesaid officers and the State officers, shall not be changed by this Act.

SEC. 14. Section forty-five of "An Act to provide revenue for the support of the Government of this State," approved April twenty-ninth, A. D. eighteen hundred and fifty-seven, shall apply as well to Collectors under this Act as to the officers now in said Act named, so far as the County of Calaveras is concerned, except on failure to settle as in this Act provided, when the proceedings shall be as provided in section eleven of this Act.

SEC. 15. The Auditor of Calaveras County shall be entitled to demand and receive one dollar, one-half of which shall be for the use and benefit of the County Treasurer, for each license issued by him, under an Act entitled "An Act to provide revenue for the support of the Government of this State," passed May fifteenth, A. D. eighteen hundred and fifty-four, to be collected from the person receiving such license, and in no case shall any other fee be allowed to the Auditor of said County, for any service connected with the issuance of licenses; and it shall be the duty of each Collector of said county, to demand and collect the said sum of one dollar from each person who shall receive license from him, and he shall pay the same to the County Auditor, at each settlement made, according to the provisions of this Act.

SEC. 16. All laws, and parts of laws, applicable to the collection of foreign miners' licenses, by the Sheriff of Calaveras County, and all laws, and parts of laws, applicable to the collection of poll-taxes by the Assessor of said County, and all laws, and parts of laws, applicable to the collection of State or County licenses or dues, by the Treasurer of said County, are hereby repealed, so far as the County of Calaveras is concerned.

SEC. 17. The *per diem* pay of the Board of Supervisors of Calaveras County shall not exceed one thousand dollars each, in any twelve months.

CHAP. LXIV.—*An Act authorizing the Commissioners of the Funded Debt of the County of Contra Costa to re-issue certain Bonds to Erastus Bartlett.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Commissioners of funded debt authorized to issue duplicate bonds.

SECTION 1. The Commissioners of the Funded Debt of the County of Contra Costa, upon receiving satisfactory proof that seven original funded bonds of the County of Contra Costa, of the denomination of five hundred dollars each, numbered respectively seventy-five, seventy-six, seventy-eight, seventy-nine, eighty, one hundred and forty-six, one hundred and forty-seven, have not been paid, and were lost at sea in the steamer Central America, are hereby authorized and directed, as hereinafter specified in this Act, to re-issue, at any time prior to the first day of July, A. D. one thousand eight hundred and fifty-nine, to Erastus Bartlett, duplicates of seven original funded bonds of the County of Contra Costa, of the denomination of five hundred dollars each, payable to him or bearer, numbered respectively numbers seventy-five, seventy-six, seventy-eight, seventy-nine, eighty, one hundred and forty-six, one hundred and forty-seven, with all the coupons attached, except one, to replace seven original bonds of said County, of said numbers and amounts, lost at sea in the steamer Central America.

Bonds to save harmless to be given.

SEC. 2. Across the face of each bond so re-issued shall be written: "Re-issued in place of an original bond of same date, number, and amount, lost at sea in the steamer Central America;" and each coupon shall also be marked "re-issued," in the face thereof; *Provided*, that the said Erastus Bartlett shall first deposit with the said Commissioners his bond, payable to the County of Contra Costa, in a sum not less than five thousand dollars, with at least two sufficient sureties, to be approved by the County Judge of the County of Contra Costa, and conditioned that he will indemnify and save harmless the County of Contra Costa against the reappearance of said bonds and coupons so alleged to have been lost, or any part of the same. Said duplicate bonds and coupons shall be signed by the present acting Commissioners of said funded debt, or such of them, or their successors, who shall be in office at the time the same shall be issued, and shall be dated at the date of the original bonds.

SEC. 3. The Commissioners aforesaid shall receive, for the service performed under this Act, a sum to be paid by Erastus Bartlett, or assigns, not to exceed the sum of ten dollars each.

CHAP. LXV.—*An Act concerning Jurors in the County of Humboldt.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In addition to the fees now allowed by law to jurors in the County of Humboldt, all persons summoned to attend the District Court, County Court, or Court of Sessions therein, shall receive the sum of twenty cents for every mile necessarily traveled in obedience to such summons, from his place of residence to the County-seat. Mileage allowed.

SEC. 2. The mileage fees of grand-jurors and trial-jurors in criminal cases shall be paid by the County Treasurer of said County upon allowance by the Board of Supervisors and warrants of the County Auditor; *Provided*, that no warrant shall be issued for mileage under the provisions of this Act, except upon the certificate of the Clerk of the Court before which such juror shall have attended as such, giving the number of miles traveled. Grand jurors allowed mileage on certificate of Clerk.

SEC. 3. The mileage of trial-jurors in civil cases, in the District and County Courts of said County, shall be assessed *pro rata* by the Courts, respectively, against all suitors in said Courts at each term demanding a jury-trial, which assessment shall in all cases be paid before the jury is sworn; the assessment for mileage made by the Court may be embraced in the cost-bill of the party paying the same, and shall be taxed as other costs, with the judgment, in all cases tried by jury. Jury fees—how paid.

CHAP. LXVI.—*An Act concerning the County Judge of the County of Solano.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Judge of the County of Solano is hereby allowed to reside away from the County-seat of said County, at any point within said County, until the first day of July, A. D. eighteen hundred and fifty-nine. Residence of County Judge.

SEC. 2. The County Auditor of the County of Solano is hereby authorized to draw his warrant upon the County Treasurer of said County, in favor of said County Judge, for the amount of his salary, up to the first day of July, A. D. eighteen hundred and fifty-nine, the same as if said County Judge had resided at the County Seat of said County of Solano. Auditor to draw his warrant. Salary.

CHAP. LXVII.—*An Act to fix the Compensation of the County Judge of Tuolumne County.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Salary.

SECTION 1. The salary of the County Judge of Tuolumne County, from and after the first Monday in October, one thousand eight hundred and fifty-nine, shall be three thousand dollars per annum.

SEC. 2. All Acts, or parts of Acts, conflicting with the provisions of the foregoing section, are hereby repealed.

CHAP. LXVIII.—*An Act fixing the Time of holding the Court of Sessions and County Court, in the County of Nevada.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Times of
holding
Court of
Sessions.

SECTION 1. The terms of the Court of Sessions of Nevada County, shall be held on the first Mondays of January, March, May, July, September, and November, in each year, and shall continue until the commencement of the next term, unless all the business of said Court be sooner disposed of.

Times of
holding
County
Court.

SEC. 2. The terms of the County Court of said County shall be held on the first Mondays of February, April, June, August, October, and December, in each year, and shall continue until the commencement of the next term, unless all the business of said Court be sooner disposed of.

Repealing
clause.

SEC. 3. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAP. LXIX.—*An Act Legalizing the Acts of D. W. Davis.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Legalizing
acts of D. W.
Davis.

SECTION 1. All the acts of D. W. Davis, as Deputy Clerk and Recorder of the County of San Bernardino, are hereby declared legal and operative, as if the said D. W. Davis was, at the time of acting as such Deputy, a citizen of the United States.

CHAP. LXX.—*An Act to Confirm and Legalize the Tax-Lists or Assessment-Rolls of the County of Marin, for the years eighteen hundred and fifty-seven, and eighteen hundred and fifty-eight, and to authorize the Collection of unpaid Taxes in said County.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The tax-list or assessment-roll of Marin County, as made and completed by Warren Dutton, County Assessor, dated San Rafael, August third, eighteen hundred and fifty-seven, is hereby confirmed and declared to be legal and binding as a good and valid tax-list or assessment-roll for the year eighteen hundred and fifty-seven, and that all taxes mentioned in the duplicate assessment-list for the year eighteen hundred and fifty-seven, and the delinquent taxes for preceding years therein mentioned, as filed with the Auditor of Marin County on the seventh day of June, eighteen hundred and fifty-seven, and by said Auditor certified to on the twenty-third of September, eighteen hundred and fifty-seven, are hereby declared to be legal taxes. Legalizing assessment for 1857.

SEC. 2. The tax-list or assessment-roll of Marin County, as made and completed by Warren Dutton, County Assessor, dated San Rafael, August second, eighteen hundred and fifty-eight, and delivered to and filed with the Clerk of the Board of Supervisors of Marin County on the same day, is hereby confirmed and declared to be legal and binding as a good and valid tax-list or assessment-roll for the year eighteen hundred and fifty-eight, except so far as the same has been changed or corrected by the Board of Equalization of said County; and all changes or corrections made by said Board are hereby confirmed. 1858.

SEC. 3. In all cases in which the Tax-Collector of Marin County shall have been, or shall hereafter be, restrained from collecting taxes by injunction, and the injunction shall be dissolved, and the taxes remain unpaid, and the time allowed by law to collect the taxes shall have expired, authority is hereby given to the Board of Supervisors of said County to make an order directing the Tax-Collector to collect such taxes, particularly specifying the same, and to make his return thereof in sixty days after the receipt of such order, which order shall be a good and sufficient authority to such Tax-Collector to collect said taxes, and to take all legal means to enforce the collection thereof; and all statutes now in force, relating to the collecting of taxes and the sales of property for unpaid taxes, and the Tax-Collector's returns, are made to apply to the taxes herein mentioned, as far as the same can be made applicable. Injunctions dissolved.

CHAP. LXXI.—*An Act to authorize John McDougal, Administrator of the Estate of George McDougal, deceased, to sell and convey Real Property at Private Sale.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. John McDougal, administrator of the estate of George McDougal, deceased, is hereby authorized, upon filing sufficient bond, to the approval of the Probate Judge of the City and County of San Francisco, to sell, at private sale, all the real property belonging to the estate of said George McDougal; *Provided*, that any sale made in pursuance of the power herein granted shall be first approved by the Probate Judge of the City and County of San Francisco.

CHAP. LXXII.—*An Act to provide for Funding the Debt of Tulare County, for the Payment of the Interest thereon, and for the gradual Liquidation of the Debt.*

[Approved February 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County
expenses.

SECTION 1. All moneys accruing to the Treasurer of Tulare County on and after the first day of July, A. D. one thousand eight hundred and fifty-nine, shall be, and the same are hereby, appropriated to the payment of the disbursements and expenses of the County accruing on and after that date.

Funding by
issuing
bonds.

SEC. 2. The Supervisors of Tulare County are hereby authorized to fund all outstanding indebtedness of the County of Tulare, which accrued prior to the first day of July, A. D. one thousand eight hundred and fifty-nine, by issuing bonds in payment thereof, payable in not less than one, nor more than ten years, bearing interest, payable semi-annually, which shall not exceed the rate of ten per cent. per annum, to be issued in accordance with the provisions of this Act.

Revenue
exempt from
execution.

SEC. 3. The income and revenue of said County of Tulare, of every nature and description whatever, shall be, and the same are hereby, exempt from attachment, execution, and proceedings supplementary to execution.

Bonds to be
issued.

SEC. 4. Within sixty days after the passage of this Act, the Board of Supervisors of said County shall cause to be made out, bonds for the amount of said indebtedness—the said bonds to be in sums of fifty, one hundred, two hundred and fifty, five hundred, and one thousand dollars, at the option of the parties accepting the same. Every holder of County warrants or scrip,

and all persons owning, or representing, as agent or attorney, any claim or debt against the County, which has been audited and allowed on or before the first day of July, A. D. one thousand eight hundred and fifty-nine, by the proper authority, may present the same to the Board of Supervisors of said County, within six months from the passage of this Act, in order that the same may be canceled, and that bonds to the amount of said warrants or other indebtedness, with the interest due thereon, may be issued in lieu thereof, by the Board of Supervisors to the holder, his agent, or attorney. It shall be the duty of said Board of Supervisors to issue, as herein contemplated, bonds for the amount of all said warrants, scrip, and other proper evidence of debt, properly audited and allowed, on or before the first day of July, A. D. one thousand eight hundred and fifty-nine, or which accrued prior to that date—said bonds to be styled "Tulare County Bonds," and to be signed by the President of the Board of Supervisors, Clerk of the Board, and countersigned by the County Treasurer. It shall be the duty of said Board to cause all such warrants, scrip, or other evidence of debt, for which bonds shall be issued as herein provided, to be canceled immediately after issuing bonds therefor.

Scrip to be canceled.

SEC. 5. For the purpose of paying the interest on the bonds so issued, and also to constitute a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Board of Supervisors of said County to cause to be levied and collected a special tax, on all real and personal property within the County, which shall not be less than twenty cents nor more than thirty cents on each one hundred dollars' valuation of such real and personal property; such tax to be assessed and collected in the legal currency of this State, at the same time, and in like manner, as are assessed and collected State and County taxes for other purposes; and the amount of taxes so collected shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

Special tax to pay interest and principal on bonds.

SEC. 6. The interest on said bonds shall be paid at the Treasurer's office, on the first Monday of January, A. D. one thousand eight hundred and sixty, and thereafter semi-annually, on the first Monday of July, and the first Monday of January, of each year.

Interest—when payable.

SEC. 7. It shall be the duty of the Clerk of the Board of Supervisors, and County Treasurer, each to keep a correct record of all bonds issued under the provisions of this Act, showing the number, date, amount of each, to whom issued, and for what warrants or scrip said bonds have been issued.

Clerk and Treasurer to keep register of bonds.

SEC. 8. On the first day of January of each year, when there shall be as much as five hundred dollars in the County treasury, collected by the provisions of this Act, over and above the interest due on such first of January and July next thereafter, it shall be the duty of the County Treasurer to advertise in some public newspaper, published in said County, if there be one published in said County—if not, then in some public newspaper published nearest to said County—once a week, for the space of two weeks, stating the amount of surplus in the Sinking Fund,

To advertise for bonds in case of surplus in interest fund.

and inviting bids at such Treasurer's office on a given day, specifying the hour, for proposals to redeem bonds by this Act authorized to be issued. Such bidding shall be in public, and it shall be the duty of the Treasurer to accept such bids and in such amounts as will be the most advantageous to the County, and redeem the largest amount of bonds; and said surplus shall be applied to the redemption of such bonds for which bids were accepted, and the same taken up and canceled; but no bid shall be received at a higher rate of principal and interest.

SEC. 9. There shall be allowed the same per centage, and no more, for collecting the special tax authorized by this Act, as is allowed by law for collecting State revenues for general purpose.

Compensat'n
of Clerk and
Treasurer.

SEC. 10. The County Treasurer and Clerk of the Board of Supervisors shall, for all services performed by them under the provisions of this Act, receive such sum as the Board of Supervisors may deem just and proper, which shall be paid out of the General Fund of the County; *Provided*, the Treasurer shall receive no per centage for receiving and disbursing the Interest and Sinking Funds provided for in this Act.

CHAP. LXXIII.—*An Act to amend an Act entitled An Act amendatory of, and supplementary to, an Act to provide for Funding of the Debt of San Joaquin County, for the Payment of the Interest thereon, and for the gradual Liquidation of the Debt, approved April twenty-ninth, eighteen hundred and fifty-six.*

[Approved February 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is amended so as to read as follows, to wit:

Special tax.

Section five—For the purpose of paying the interest on bonds so issued, and also to constitute a Sinking Fund for the gradual redemption of the same, it shall be the duty of the Board of Supervisors of said County to cause to be levied and collected a special tax, on all the real and personal property within the County, which shall not be less than ten cents, nor more than twenty cents on each one hundred dollars valuation of such real and personal property, such tax to be assessed and collected in the legal currency of the State, at the same time and in like manner as are assessed State and County taxes for other purposes; and the amount of taxes so collected shall be applied only to the purpose of paying the interest and principal of the bonds authorized to be issued by this Act, until the same shall be fully paid.

CHAP. LXXIV.—*An Act concerning the County Auditor of San Joaquin County.*

[Approved February 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Auditor of the County of San Joaquin shall be entitled to charge and receive for making duplicate of taxes or copies thereof required, eight cents per folio. For filing Treasurer's receipt and issuing license, to be paid by the party, twenty-five cents. Repealing clause.

SEC. 2. All Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAP. LXXV.—*An Act to provide for a Police Contingent Fund in and for the City and County of San Francisco.*

[Approved February 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the City and County of San Francisco, shall annually set apart from the General Fund, in the treasury of said City and County, the sum of three thousand six hundred dollars, to constitute a Special Fund, to be called the Police Contingent Fund. Police Contingent Fund

SEC. 2. The Police Commissioners of the City and County of San Francisco, or a majority of them, are hereby authorized to allow, out of the Police Contingent Fund of said City and County, any and all orders signed by the Chief of Police of said City and County; *Provided*, that the aggregate of said orders shall not exceed the sum of three thousand six hundred dollars per annum. How drawn.

SEC. 3. The Auditor of said City and County is hereby authorized to audit, and the Treasurer of said City and County to pay, out of the Police Contingent Fund, any and all orders so allowed by the Police Commissioners, not exceeding, in the aggregate, the sum of three thousand six hundred dollars per annum. Audit and pay.

SEC. 4. At the end of each fiscal year, any sum remaining in the Police Contingent Fund, upon which no order shall [have] been allowed, shall be returned to the credit of the General Fund. Surplus.

SEC. 5. All Acts, and parts of Acts, which are in conflict with the provisions of this Act, so far as they are in conflict with the same, are hereby repealed. Repealing clause.

CHAP. LXXVI.—*An Act to allow Berthold Hoen to sell certain Real Estate.*

[Approved February 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

At public or
private sale.

SECTION 1. It shall be lawful for Berthold Hoen, guardian of Juan West, Juliana West, Maria Del Carmel West, Carlos West, and Genavieve West, infants and minor heirs of William Mark West, deceased, to apply by petition to the Probate Judge of the County of Sonoma for leave to sell at public or private sale, at the discretion of the said Judge, the interest of the said minors, or either of them, in the whole or any portion of the land known as the Rancho San Miguel, situate in said County.

SEC. 2. Upon the filing of said petition, and upon like notice as is required by law, in cases of the sales of real estate made upon the order of the Probate Judge, by executors and administrators, and upon a proper showing before the said Probate Judge, to his satisfaction, that such sale is necessary, or for the interest of his said infant wards, the Probate Judge may make an order authorizing said guardian to sell said real estate, or such part thereof as he may deem proper or necessary, at public or private sale, upon such terms as the said Judge may in his discretion direct.

To report to
Court.

SEC. 3. Upon the order of the Probate Judge, as herein provided, the said guardian shall proceed to sell said real estate, or such portion thereof as the said order may direct, and within thirty days thereafter shall report to said Court all his doings and proceedings under said order in reference to said sale.

Confirmation
of sale.

SEC. 4. Upon the coming in of said report, if the Probate Judge shall be satisfied that the terms of said order of sale have been complied with, and that said sale has been lawfully made and fairly conducted, and that said lands have sold for a fair and adequate price, he may make an order confirming and ratifying said sale, and authorizing and directing said guardian to make, execute, and deliver to the purchaser of said lands, proper and sufficient deeds for any portion of said lands, purchased by them at said sale, and take from them such security for the purchase-money, or any portion thereof, as the Court may direct.

Recorded.

SEC. 5. The order of sale, and the order of confirmation mentioned in this Act, shall be recorded in the Recorder's office of Sonoma County, and all deeds made and executed under the provisions of this Act, shall recite this Act by its title, and refer to the record of the order of sale and the order of confirmation thereof.

CHAP. LXXVII.—*An Act fixing the Salaries of District-Attorneys of certain Counties in this State.*

[Approved February 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The District-Attorneys of the several Counties named herein, shall receive for their services, annually, the following sums: Compensat'n

First—Of the County of El Dorado, two thousand dollars.

Second—Of the County of Tuolumne, one thousand two hundred dollars.

Third—Of the County of Siskiyou, two thousand dollars.

Fourth—Of the County of Solano, one thousand dollars.

SEC. 2. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed, so far as they relate to the Counties herein named; *Provided*, nothing in this Act shall be so construed as to affect the salaries of the present incumbents; but this Act shall apply to their successors to be elected hereafter. Repealing clause.

CHAP. LXXVIII.—*An Act to authorize Michael Massett to remove the Remains of Deceased Persons.*

[Approved March 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It is hereby made lawful for Michael Massett to disinter and remove the remains of all deceased persons, together with all monuments, etc., from the old burial-place in the Town of Bidwell's Bar, on the Court-house Hill, in the County of Butte, and inter the same in the new burial-place near, or within a quarter of a mile on the South side of said Town, on the high ridge now occupied for that purpose in said County. Authority to disinter, etc.

CHAP. LXXIX.—*An Act to amend an Act entitled "An Act concerning Attorneys and Counselors-at-Law," approved February nineteenth, eighteen hundred and fifty-one.*

[Approved March 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of said Act is hereby amended so as to read as follows :

Admission of
attorneys.

Section six—Every white male citizen of the United States, who has been admitted to practice law in the Courts of a sister State, may be admitted to practice in the Courts of this State, upon the production of his license, and satisfactory evidence of good moral character; but the Court may examine the applicant as to his qualifications.

SEC. 2. Section thirteen of said Act is hereby amended so as to read as follows :

Removal of
attorneys.

Section thirteen—An Attorney and Counselor may be removed or suspended by the Supreme Court, and by the District Courts of the State, for either of the following causes, arising after his admission to practice :

First—His conviction of a felony, or misdemeanor, involving moral turpitude, in which cases the record of conviction shall be conclusive evidence.

Second—Willful disobedience or violation of an order of the Court requiring him to do, or forbear, an act connected with, or in the course of, his profession, and any violation of the oath taken by him as such Attorney and Counselor. In all cases where an Attorney is removed or suspended by a District Court, he may appeal to the Supreme Court, and the judgment or order of the District Court shall be subject on such appeal to review, as in other cases.

Appeals.

CHAP. LXXX.—*An Act to Legalize certain Matters connected with the Crescent City Plank Road and Turnpike Company.*

[Approved March 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Legalizing
former acts.

SECTION 1. All the corporate acts of the directors or members of the Crescent City Plank Road and Turnpike Company are hereby declared legal, and the survey, filed by said Company in the office of the Recorder of the County of Del Norte, on the twenty-sixth day of July, A. D. eighteen hundred and fifty-eight, as supplemental to that filed in said office on the eighth day of July, A. D. eighteen hundred and fifty-seven, is declared to be of

as full force in law as if it had been filed at the earliest of said mentioned dates.

CHAP. LXXXI.—*An Act concerning Roads and Highways in the County of Nevada.*

[Approved March 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All roads in the County of Nevada shall be considered as public highways, which are now used as such, and have been declared such by order of the Court of Sessions, or Board of Supervisors, or which may be declared such hereafter by the Board of Supervisors of said County. Roads declared public highways.

SEC. 2. It shall be the duty of the Board of Supervisors to divide said County into road-districts, each Township being and constituting a road-district. Road-districts.

SEC. 3. The Board of Supervisors of Nevada County shall have power to levy a road-tax on all able-bodied men, between the ages of twenty-one and fifty years, which tax shall not exceed the sum of two dollars and fifty cents per annum, and a property-tax not exceeding five cents on each one hundred dollars, for road purposes. Road-tax.

SEC. 4. The Board of Supervisors shall, before the first Monday of March of each year, appoint one responsible person in each Township as Road-Tax Collector, the same being a resident of the Township for which he is appointed, who shall qualify and give bonds in such sum as the Board of Supervisors may require, for the faithful performance of his duties. Road-tax Collector.

SEC. 5. The property road-tax levied under the provisions of this Act, shall be collected by the Sheriff of the County, in the same manner as in the collection of other taxes, and all moneys so collected shall be paid into the County treasury as hereinafter provided. Collection.

SEC. 6. The Clerk of the Board of Supervisors shall cause proper blank road [tax] receipts to be printed, of a uniform appearance, to be signed by the Auditor of the County, in writing. No other receipt for road-tax, other than the above-mentioned, shall be used or given for the payment of said tax, by the Road-Tax Collector. Tax-receipts

SEC. 7. The Auditor shall issue to the Road-Tax Collector so many signed road-tax receipts as may be needed, and the Collector shall give a receipt for the same, and they shall be accounted to him as so much cash; the Road-Tax Collector shall settle quarterly with the Auditor; the amount of receipts returned by the Collector shall be deducted from the amount receipted for by him, and the Collector shall account for the balance in money, and no loss of receipts shall be allowed the Collector. Settlement.

SEC. 8. It shall be the duty of the Collectors to keep a correct

account of all moneys collected for road purposes in their respective Townships, and pay the same quarterly into the County treasury, reserving therefrom their fees, taking the Treasurer's receipt therefor, and file the same with the Auditor within five days from such payment.

Fees. SEC. 9. The fees of the Road-Tax Collector for collecting said road-tax shall be fifty cents upon each road-tax receipt sold by him, and he shall receive no compensation for his services other than provided for in this Act.

Separate funds. SEC. 10. The County Treasurer shall keep all moneys collected for road purposes in each Township in separate Township Funds, and shall pay the same out, upon orders drawn by the Board of Supervisors, and out of the Township Fund specified in such order.

Prohibition. SEC. 11. The Board of Supervisors shall have no power to draw their warrant upon the Road Fund of any Township, except for services performed in such Township, as provided for in sections thirteen and fourteen of this Act.

Delinquents. SEC. 12. Any person liable to pay road-tax, and refusing to do so upon demand being made by the Road-Tax Collector, shall be considered a delinquent, and the Collector is hereby empowered to seize upon any property belonging to said delinquent, and sell forthwith, at public auction, to the highest bidder for cash, so much of the same as shall be necessary to satisfy such delinquent's road-tax, and three dollars additional as cost to the Collector, for services of such sale.

Petitions for bridges, etc. SEC. 13. Upon presentation of a petition to the Board of Supervisors, signed by at least twenty-five resident property-holders of the Township, praying that a road or bridge may be made, or a private road or bridge may be purchased, the same being within said Township, giving the metes and bounds thereof, or if such road, bridge, or purchase, be within any two Townships, then said petition shall be signed by at least twenty-five resident property-holders of each Township wherein such road, bridge, or purchase, is to be made—the Board of Supervisors, upon the filing of such petition or petitions, shall give notice, by publication, for four successive weeks, in a public newspaper in the County, of the time and place of hearing of such petitions; and, if such petition be granted, the Board of Supervisors shall, if for making a new road or bridge, order the County Surveyor to survey such road or bridge, filing a plan thereof with the Board of Supervisors, whereupon said Board shall advertise, for four successive weeks, in a public newspaper in the County, for proposals for the making of such road or bridge, and all contracts shall be awarded to the lowest bidder, the Board of Supervisors taking bonds for the faithful performance of the contract; *Provided*, there be sufficient sum of money in the Fund or Funds of the Township or Townships wherein such work is to be done, to pay such contract, cost of advertising, surveying, and such other costs as may be necessary to the completion of such work, and not otherwise. And the Board of Supervisors shall make no purchase of any private road or bridge until by publication in a public newspaper, giving notice of such petition, for four successive weeks prior to such purchase.

Advertising

SEC. 14. Upon application to any one of the Supervisors, by ^{Repairs.} petition of not less than ten resident property-holders of any Township, setting forth that any public road or bridge needs repairing, the cost of such repairs not to exceed one hundred dollars, any one of the Supervisors shall appoint some suitable person, a resident of the Township, as Overseer, who shall be allowed for his services such compensation as the Board may deem just, not to exceed five dollars per day while actually employed. And it shall be the duty of such Overseer to employ a sufficient number of persons to perform the repairs required; but the total expenditure for such work shall not exceed the sum specified in this section.

SEC. 15. All new roads or bridges made, or private ones purchased, in accordance with the provisions of this Act, shall be declared public highways.

SEC. 16. If any person shall obstruct any public road, by felling any tree across the same, or by placing any other obstruction therein, or damming, digging, or deepening a creek, or river, or its banks, so as to destroy a ford, or crossing, he shall be liable to prosecution before any Justice of the Peace, by any Supervisor of the County, on behalf of the County; and, on conviction thereof, shall be fined in a sum not exceeding fifty dollars for every day he shall suffer said obstruction to remain, after he shall have been ordered to remove the same by one of the Supervisors. ^{Fine for obstructing.}

SEC. 17. Sections two, three, four, six, seven, eight, ten, eleven, and twelve, of an Act concerning roads and highways, ^{Repealing clause.} passed April twenty-eighth, one thousand eight hundred and fifty-five, are hereby repealed, so far as they relate to the County of Nevada.

CHAP. LXXXII.—*An Act to fix the Compensation of the Tax-Collector of the County of El Dorado, and his Deputies, in certain cases, and to legalize certain Orders heretofore made by the Board of Supervisors of said County, and to order the payment of certain County Warrants issued by the County Auditor of said County.*

[Approved March 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the County of El ^{Compensat'n} Dorado are hereby authorized to allow the Tax-Collector of said County, and his Deputies, a per diem, not exceeding the sum of ten dollars per day each, for each and every day in which he and they are engaged in collecting taxes on personal property whilst accompanying the County Assessor of said County, or his Deputies, as required by law.

SEC. 2. The Board of Supervisors of said County are hereby ^{Supervisors authorized to confirm former orders.} further authorized and empowered to confirm and ratify any order or orders heretofore made by them, making an allowance

Treasurer to
pay.

for similar services to those specified in section one of this Act, and, upon such order being so made, the County Treasurer of said County is hereby required to pay any warrant or warrants issued by the Auditor of said County upon the order or orders so confirmed by said Board of Supervisors, in the same manner and at the same time as though said warrant or warrants had been legally issued in the first instance.

CHAP. LXXXIII.—*An Act to amend an Act entitled "An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six."*

[Approved March 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of said Act is hereby amended so as to read as follows :

Approved
claims.

Section four—The persons whose claims shall have been approved by the Board of Examiners, shall be entitled to have the amount so approved, funded as hereinafter provided, by delivering the same to be canceled to the Commissioners of the Funded Debt herein created, at any time between the third Monday of August, A. D. one thousand eight hundred and fifty-eight, and the third Monday of April, A. D. one thousand eight hundred and fifty-nine, but nothing in this section shall authorize the said Commissioners to issue bonds upon any claim or demand whatsoever, unless it shall appear from the report of the Board of Examiners that the same was approved.

SEC. 2. Section ten of said Act is hereby amended so as to read as follows :

Bonds to be
issued.

Section ten—Said Commissioners shall issue bonds in sums of five hundred and one thousand dollars, and in any larger amounts, in thousands, at the option of persons presenting the claims to be funded. The fractional sum upon the aggregate of any claim or claims approved, and presented by any person over the amount for which any bonds by this Act authorized can be issued shall be so certified by the said Commissioners of the Funded Debt, which balance or fractional amount shall be assignable; and when presented in amounts in the aggregate of not less than five hundred dollars, and prior to the first day of January, one thousand eight hundred and sixty, shall be funded and canceled in the like manner as original claims.

SEC. 3. Section twelve of said Act is hereby amended so as to read as follows :

Pay of Board
of Examiners

Section twelve—The Auditor of the City and County of San Francisco is hereby authorized and required, upon the presentation to him, to audit the demands of the several members of

the said Board of Examiners for the sum of fifteen hundred dollars each, and to allow the same, payable out of the Fund known as the General Fund, as created by the Act entitled "An Act to repeal the several Charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six;" also, to audit the several demands of the Clerks of the said Board for a sum not to exceed eight hundred dollars, and also to audit the demands for contingent expenses of the said Board, as herein provided, the latter not to exceed five hundred dollars; *Provided, however*, the demands of said Clerks, and the said demand for contingent expenses, shall be first attested by the signatures of at least two of the members of said Board, and, when so authenticated, shall forthwith be audited by said Auditor, and allowed, payable out of said General Fund; *Provided, further*, that the said demands of the Board of Examiners, and of their said Clerks, shall not be audited before the first day of June, A. D. eighteen hundred and fifty-eight, but the demands for the contingent expenses, as before provided, shall be audited and allowed whenever presented, attested as aforesaid. The Auditor shall audit the demands of the said Fund Commissioners for the sum of five hundred dollars each, and also the claims made by them for expenses incurred in procuring blank bonds, blank books, and books of registry, not to exceed the sum of nine hundred and fifty dollars; *Provided, however*, the demands of said Fund Commissioners for their said compensation shall not be audited before the first day of August, A. D. one thousand eight hundred and fifty-eight, except the expenses for the blank bonds and books of registry, which shall be audited whenever presented with the requisite vouchers, attested by at least two of the Commissioners, and be allowed, and payable out of the General Fund; the compensation of the said Commissioners shall be allowed and payable out of the General Fund.

CHAP. LXXXIV.—*An Act to change the Name of Walter Scott Tarbox to Walter Scott.*

[Became a Law by operation of the Constitution, March 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the person heretofore known as Walter Scott Tarbox, to change his name to Walter Scott. Change of name.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this second day of March, one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. LXXXV.—*An Act authorizing and empowering the County Recorder of Solano County to transcribe certain Records, and to legalize the same.*

[Approved March 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Transcribing records.

SECTION 1.. The County Recorder of Solano County is hereby authorized and required, as soon as the same can conveniently be done, to transcribe into suitable and well bound books all deeds, mortgages, title-bonds, and powers of attorney, contained in the following books of record, kept in the said Recorder's office, namely : the books known as A, B, C, and D.

Transcribed records legalized.

SEC. 2. The books of record, and each of the entries therein made, as directed by section one of this Act, shall have the same force and effect as the original records transcribed therein may have had, and copies of any of the records or entries transcribed, as provided in this Act, shall have the same force and effect as copies of the original records or entries may have had.

Fees for transcribing.

SEC. 3. For services rendered under this Act the said County Recorder of Solano County shall be allowed the same rate of compensation as is prescribed by section twenty-eight of an Act entitled "An Act to regulate fees in office," (approved April tenth, eighteen hundred and fifty-five,) for like services; and the same shall be paid out of the County treasury in the same manner as other demands against the said Solano County are paid.

Original records to be preserved.

SEC. 4. The original records shall be carefully preserved in the office of said County Recorder, for further reference.

CHAP. LXXXVI.—*An Act to Fund the entire Indebtedness of Calaveras County, contracted prior to the first day of November, eighteen hundred and fifty-eight, and to provide Means for the Payment of the same.*

[Approved March 3, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

To fund debt

SECTION 1. The County of Calaveras is hereby authorized to fund its entire indebtedness contracted prior to the first day of November, eighteen hundred and fifty-eight; and to that end the Board of Supervisors and the Treasurer of said County shall constitute a Board of Commissioners, to be styled "The Board of Commissioners of the Funded Debt of Calaveras County," and shall have and exercise the powers and perform the duties hereinafter provided, and shall, at their first meeting, elect a

President and Secretary of said Board. The first meeting of said Board shall be held on the tenth day of March next, at the Court-house, at Mokelumne Hill, in said County, and they shall have power to adjourn from time to time as they may deem necessary and proper, until they shall have discharged the duties imposed on them by this Act, and shall receive for their services the same *per diem* and mileage as is allowed to the Board of Supervisors of said County. Compensat'n of Board.

SEC. 2. The said Commissioners shall cause to be prepared, and shall have power to issue, on behalf of the County of Calaveras, bonds to an amount not exceeding, in all, the sum of one hundred thousand dollars, bearing interest at a rate not to exceed ten per centum per annum, of the denominations of one hundred dollars and one thousand dollars each, respectively, with coupons for interest attached; which bonds shall be made payable at the office of the Treasurer of said County, or in the City of San Francisco, on or before the first day of January, A. D. eighteen hundred and sixty-nine, and the interest on the same shall be made payable semi-annually, either at the said Treasurer's office in said County, or in the City of San Francisco, at the discretion of said Board, on the first days of January and July, of each year, on presentation of the respective coupons therefor; *Provided*, the first payment of the interest shall not be made sooner than the first day of January, A. D. eighteen hundred and sixty. Every bond so issued shall be signed by the President and Secretary of said Board of Commissioners, and be authenticated with the seal of said County, and shall purport that the County of Calaveras owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid. Bonds to be issued to \$100,000.
Interest.
Time of payment.
Bonds—how signed.

SEC. 3. The Board of Commissioners shall, before they enter upon the discharge of their duties, execute a bond jointly and severally in the sum of ten thousand dollars, for the faithful performance of the same, with two or more sureties in said bond, to be worth altogether, the amount of the bond, clear of the liabilities, legal or equitable. And the said Board shall cause the bonds issued by them to be sold in such manner as they may deem suitable and best; *Provided, however*, said bonds shall not be sold at a rate lower than eighty-five (85) cents to the dollar, and the proceeds thereof shall be paid over to the County Treasurer, who shall apply it, upon the order of the Board of Supervisors of said County, to the payment and redemption of such indebtedness of said County, of whatever kind, as was contracted prior to the first day of November, A. D. eighteen hundred and fifty-eight, and which shall have been decided by the Board of Commissioners as the legal and equitable indebtedness of said County. The Treasurer of said County shall be entitled to two and one-half per centum for his services for receiving, taking care of, and disbursing the same. Commiss'n's to give bond.
Bonds shall not be sold for less than 85 per cent.
Treasurer—compensat'n.

SEC. 4. It shall be the duty of the Secretary of said Board to attend the meetings of the Board, and to keep a correct record and minutes of their proceedings; said Secretary shall be entitled to receive such compensation for his services as the Board of Supervisors shall deem reasonable, not to exceed five dollars per day.

Additional
tax to pay
interest and
principal.

SEC. 5. It shall be the duty of the Board of Supervisors to cause to be levied annually a special tax, to be collected in the same manner as is now provided by law in force, or which may be hereafter enacted, on the real and personal property of said County, not to exceed one per cent., in addition to the tax now authorized by law to be levied and collected, sufficient to meet the interest accruing semi-annually on said bonds, and to create a Sinking Fund for the redemption of the same, of at least five thousand dollars annually.

Interest first
to be set
apart.

SEC. 6. No appropriation shall be made out of the yearly revenue arising from taxes on the real and personal property of said County, until sufficient money shall have been set aside to pay the interest on all the bonds outstanding; and there shall also be set aside from each yearly revenue derived from taxation on the real and personal property of said County, the further sum of five thousand dollars, as above provided, to be levied as a Sinking Fund for the redemption of said bonds.

Board, term
to expire,
when.

SEC. 7. The office of said Board of Commissioners shall expire as soon as they shall have completed all the business submitted to them by this Act, when they shall turn over all their papers, books, and accounts, to the Clerk of the Board of Supervisors, to be filed and preserved by him with the records of said Board. And, in the discharge of their duties, the said Board of Commissioners shall have free access to the books of all the revenue officers of said County at all times.

Bonds to be
purchased
annually, by
advertisem't.

SEC. 8. On the first day of January, A. D. eighteen hundred and sixty, and on the first days of January and July of each succeeding year, it shall be the duty of the Treasurer, on the order of the Board of Supervisors, from the money in his hands set aside and appropriated for that purpose, to pay the interest on the bonds outstanding; and on the first day of January, eighteen hundred and sixty, and on the first day of January of each succeeding year, it shall be the duty of the Treasurer of said County, under the order of the Board of Supervisors, from the moneys in his hands set aside and appropriated to that purpose, to redeem five thousand dollars of the principal of said bonds, previously advertising for at least thirty days in one newspaper in said County, and one or more newspapers in San Francisco, for sealed proposals for the surrender of said bonds. The Treasurer shall open said sealed proposals, at the time and place specified in said publications, in the presence of the Board of Supervisors of said County, who shall accept only of such bids as shall cancel the greatest amount of bonds; *Provided*, that no bonds shall be redeemed at a greater rate than one hundred cents for one dollar, together with the accrued interest thereon.

Bonds shall
not be pur-
chased above
par.

Record of
bonds to be
kept.

SEC. 9. It shall be the duty of the Treasurer of said County and the Clerk of the Board of Supervisors, each, to keep a separate record of all such bonds as may be issued, showing the number, date, and amount, of each bond, and to whom the same was issued, and also the number, date, and amount, of canceled bonds, and the dates and rates of cancellation.

Supervisors
to pay for
preparing
bonds.

SEC. 10. The Board of Supervisors of said County are hereby authorized to appropriate, out of the General Fund of the County, a sum sufficient to pay the expenses that may be incurred by

the Board of Commissioners, in having said bonds prepared and sold.

SEC. 11. The said Board of Commissioners may issue said bonds to persons holding indebtedness against said County, either in bonds, warrants, or otherwise, in exchange and cancellation of the same. Bonds may be issued to creditors.

SEC. 12. The Board of Supervisors of said County shall have power to make any order necessary to carry into effect the provisions of this Act.

SEC. 13. The Board of Commissioners, as soon as the said bonds are prepared, shall advertise, in some newspaper in said County, and in one or more newspapers in San Francisco, for proposals for the purchase of said bonds, and the said purchase shall be awarded by the Commissioners to the highest bidder. Advertisem't for purchase of bonds.

SEC. 14. The Board of Commissioners, as soon as they have completed the business assigned them by this Act, shall publish a statement of their proceedings in some newspaper published in the County. Statement of proceedings of Commissioners to be published.

SEC. 15. All Acts, or parts of Acts, inconsistent herewith, passed heretofore, and conflicting with this Act, are hereby repealed. Repealing clause.

SEC. 16. In the event the said bonds authorized to be prepared and issued under the provisions of this Act are not sold by the first day of August, eighteen hundred and fifty-nine, then all the preceding sections of this Act shall be null and void, and without force or effect; *Provided, however*, that the tax levied by the Board of Supervisors under this Act for the payment of interest on, and redemption of the same, shall be legal and valid to all intents and purposes as if the bonds had been sold, and it shall be the duty of the Board of Supervisors of said County to set apart and appropriate the amount of the tax so levied and collected, two-thirds to the redemption of the entire indebtedness of said County, contracted since the eighteenth day of March, eighteen hundred and fifty-seven, to the first day of November, eighteen hundred and fifty-eight, and one-third to the Interest Fund of said County for the redemption of bonds issued under "An Act to fund the debt of Calaveras County," passed May third, A. D. eighteen hundred and fifty-two, and the Board of Supervisors of said County shall annually thereafter cause to be levied a tax upon the personal and real property of said County, not exceeding one per cent., to be collected in the same manner as is now provided by law in force, or which may be hereafter enacted, to be applied two-thirds to the payment of the indebtedness of said County, contracted subsequent to the eighteenth day of March, eighteen hundred and fifty-seven, and prior to the first day of November, eighteen hundred and fifty-eight, and one-third to the said bonds issued under the provisions of the said Act of eighteen hundred and fifty-two. To be void in case bonds are not sold. Tax valid. Tax—how disbursed.

SEC. 17. In the event the said bonds authorized to be prepared and issued under the provisions of this Act, shall be sold by the said first day of August, A. D. eighteen hundred and fifty-nine, then section sixteen of this Act to be null and void, and of no effect.

CHAP. LXXXVII.—*An Act to authorize the Sale of the Real Estate belonging to the minor heirs of the late Juan Malarin, deceased, situated in the County of Monterey.*

[Approved March 4, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Guardian
may sell at
public or
private sale
under direc-
tion of Pro-
bate Court.

SECTION 1. That Mariano Malarin, guardian for the minor heirs of the estate of Juan Malarin, deceased, late of the County of Monterey, to wit : Josefa, Cristina, and Ygnacio Malarin, be, and is hereby, authorized to make such a disposition or sale, public or private, and to convey such part, portion, or portions, of the real property belonging to the minor heirs to the estate of the said Juan Malarin, deceased, as may in the discretion of the Probate Judge of the County of Monterey seem meet and proper, for the use and benefit and for the maintenance of the children above enumerated.

Probate
Court to
make order.

SEC. 2. Whenever the said Probate Judge shall, upon a hearing, deem it necessary and proper that a part or the whole of any such property may be sold for the purposes specified in this Act, he may grant an order that the said Mariano Malarin, guardian of the said minors, be allowed and authorized to sell and convey, at public or private sale, the whole or part of any such property as aforesaid, particularly specifying the same.

Guardian to
give bond.

SEC. 3. The said Probate Judge shall, before granting said order, require of said guardian such bond as to him may seem necessary and proper, in a sum double the appraised value of the real estate sought to be sold, with good and sufficient sureties, conditioned for the faithful performance of his duties in the said sale.

Acts of guar-
dian made
valid.

SEC. 4. Every conveyance made in pursuance of a decree or order of the Probate Court, as provided by this Act, shall be as effectual to pass the estate as if the said Juan Malarin were still living and had himself executed the same.

CHAP. LXXXVIII.—*An Act concerning the Official Bonds of the District-Attorney, Surveyor, Coroner, and Public Administrator, of the Counties of San Luis Obispo, San Diego, and Placer.*

[Approved March 4, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Bonds to be
fixed by Su-
pervisors.

SECTION 1. From and after the passage of this Act, the amount of the official bonds of the District-Attorney, County Surveyor, and Coroner, of the Counties of San Luis Obispo, San Diego, and Placer, shall be fixed by the Board of Supervisors of

said Counties, and said Board may require, from time to time, additional and increased bonds from said officers, or any one of them. May be increased.

SEC. 2. From and after the passage of this Act, the amount of the official bonds of the Public Administrator of the Counties of San Luis Obispo, San Diego, and Placer, shall be fixed by the Probate Judge, or Court, of said Counties, and the Judge or Court may require additional bonds from each officer from time to time. Bond of Public Administrator to be fixed by Probate Court.

SEC. 3. All laws, and parts of laws, so far as the same conflict, or are inconsistent with this Act, shall hereafter be so construed as to be held inapplicable to the Counties aforesaid. Repealing clause.

CHAP. LXXXIX.—*An Act to amend an Act entitled an Act concerning Official and other Bonds, approved April second, eighteen hundred and fifty-seven.*

[Approved March 4, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of an Act entitled an Act concerning official and other bonds, approved April second, eighteen hundred and fifty-seven, is hereby so amended as to read as follows :

Section one—In all cases where official bonds are required, or may be hereafter required, from State or County officers, the officer or officers whose duty it is or may be to approve such bonds, shall not accept or approve any such bonds, unless each of the sureties shall severally justify, before an officer authorized to administer oaths, as follows : Sureties—qualification

First—On a bond given by a State officer, that such surety is a resident and freeholder or householder within this State; and on a bond given by a County officer, that such surety is a resident and freeholder or householder within such County, or within an adjoining County.

Second—That such surety is worth the amount for which he becomes surety, over and above all his debts and liabilities, in unincumbered property situated within this State, which may be levied upon and is not exempt from execution and forced sale; *Provided*, that the County Judge of each and any County in this State may, at any time, upon his own or any other motion, call, by written notice to that effect, upon any one or more of the sureties upon the official bond of any of the County officers of his County for a further justification of his or their responsibility, notwithstanding any former justification thereof, and notwithstanding any approval of such bond or bonds; and such proceedings shall, or may thereupon, be had as are provided in section one of an Act approved May eighteenth, eighteen hun-

dred and fifty-three, entitled an Act concerning sureties on official bonds.

CHAP. XC.—*An Act to authorize William B. Atterbery, Administrator of the Estate of Martin E. Cook, to execute certain Conveyances.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Administra-
tor author-
ized to make
deeds.

SECTION 1. It shall be lawful for William B. Atterbery, administrator of the estate of Martin E. Cook, deceased, to execute good and sufficient deeds of conveyance to the purchasers of the lands of said estate, sold by F. G. Hahman, late Public Administrator of Sonoma County, by order of the Probate Court of said County, and upon the execution of such deeds, the proceedings of the said F. G. Hahman in regard to such sales shall be legalized, and have the same force and effect as though letters of administration had been issued to the said F. G. Hahman by the Probate Court.

Acts of former
administrator
legalized.

Probate
Court to con-
firm.

SEC. 2. Before the execution of the conveyances required by the provisions of this Act, the said administrator, or the purchasers, shall procure an order from the Probate Court of Sonoma County, confirming the proceedings of the said F. G. Hahman, in regard to said sales, and directing the execution of said conveyances to the purchasers.

CHAP. XCI.—*An Act to amend an Act entitled "An Act to Re-incorporate the City of Stockton," approved March thirty-first, eighteen hundred and fifty-seven.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of article second of the Act entitled "An Act to re-incorporate the City of Stockton," approved March thirty-first, eighteen hundred and fifty-seven, is hereby amended so as to read as follows :

Officers, etc.

Section one—The officers of the City of Stockton shall consist of one Mayor, ten Aldermen, one Marshal, one Collector, one Assessor, and one Clerk.

SEC. 2. Section second of article second of said Act is hereby amended so as to read as follows :

Officers to be
elected, and
term of office

Section two—The Mayor, Aldermen, Marshal, Collector, and Assessor, shall be elected by the qualified electors of the City.

They shall be elected for one year, and until their successors are elected and qualified.

SEC. 3. Section fourth of article second of said Act is hereby amended so as to read as follows: Time of election.

Section four—The election for Mayor, Aldermen, Marshal, Collector, and Assessor, shall be held on the first Monday in May, of each year. The Common Council shall appoint one Inspector and two Judges, and designate the place of opening the polls.

SEC. 4. Section seventh of article second of said Act is hereby amended so as to read as follows:

Section seven—The Mayor, Aldermen, Marshal, Collector, and Assessor, shall enter upon their duties on the first Monday subsequent to their election. Commencement of term

SEC. 5. Section ninth of article second of said Act is hereby amended so as to read as follows:

Section nine—When a vacancy shall occur in the office of Collector or Assessor by death, resignation, or otherwise, the Common Council shall order a special election to fill such vacancy, and when any vacancy shall occur in any office except Collector, Assessor, and Mayor, the Common Council shall elect some person to fill such vacancy, and at such election a majority of all the members elected of the Common Council shall be necessary to a choice. Any person elected to fill a vacancy shall hold the office for the residue only of the term of his immediate predecessor. Vacancy—how filled.

SEC. 6. The seventh section of article third of said Act is hereby amended so as to read as follows:

Section seven—The Common Council shall have power within the City, by ordinances,

First—To assess and levy taxes on all property, real and personal, in the City, made taxable by law for State purposes, not exceeding one per centum per annum upon the assessed value of such property, except as hereinafter specially provided, and to provide for the collection of, and the enforcement of payment of taxes, by seizure and sale of the property. The terms, "real and personal property," herein, shall have the same signification as in the general Revenue Law of the State. The assessment of taxes shall be a lien on the property assessed, from the date of the assessment, and have the force and effect of a judgment and execution. Common Council authorized to levy taxes.

Second—To provide for the draining, grading, improvement, and lighting of the streets, and the construction of the sidewalks, and bridges, drains, and sewers, and wharves, and their repairs, and the prevention and removal of obstructions on the side-walks. To improve streets, etc.

Third—To assess and provide for collecting a revenue-tax for wharfage, and to authorize the City Collector to regulate the landing and stationing of steamers, vessels, and boats. To collect wharfage.

Fourth—To provide for the removal of obstructions to the navigation of any channel or water-course within the limits of the City. To regulate landings.

Fifth—To provide for the prevention and extinguishment of fires, and to organize and establish fire-companies. To establish fire companies.

Sixth—To regulate or prohibit the storage of gun-powder, tar Gunpowder.

pitch, rosin, and other extremely combustible materials in the City.

Police.

Seventh—To establish and regulate a City Police, and to keep in repair any street, avenue, and levee, which has been or may hereafter be improved by grading, graveling, or stone pavement.

To abate nuisances.

Eighth—To prevent, and remove, and abate nuisances, and at the expense of the parties causing or committing the same.

Ninth—To remove from the immediate vicinity of the inhabited parts of the City, all slaughter-houses, hay-stacks, forges, and blacksmith-shops.

To license auctioneers, etc.

Tenth—To license and regulate auctioneers, and taverns, hotels, billiard-tables, bowling-alleys, theatricals, and other exhibitions, shows, and amusements.

Eleventh—To license, prohibit, regulate, and suppress bar-rooms for the retail, by sale or otherwise, of spirituous or malt liquors, drinking-houses, tippling-houses, dram-shops, hawkers and peddlers, and pawn-brokers; and they shall have power further to suppress gaming and gambling-houses, and disorderly houses, and houses of ill-fame, and dance and fandango-houses.

To erect public buildings.

Twelfth—To provide for the erection of public buildings for the use of the City.

To widen streets, etc.

Thirteenth—To open, alter, and widen streets and alleys, first paying for private property taken for public use.

To regulate drays, etc.

Fourteenth—To license, tax, and regulate drays, market-wagons, teams, and other vehicles.

To borrow money upon vote of the people.

Fifteenth—To borrow money and contract debts on the faith and credit of the City; but no loan shall be made, or debt contracted, for any sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, without the consent of the electors of the City, previously obtained. And when the Common Council desire to effect a loan, or create a debt, for a sum exceeding five thousand dollars, including the amount of any previous indebtedness and liability, they shall submit a proposition for such loan, or creation of such debt, to the electors of the City, and shall cause such proposition to be published in one or more newspapers in the City, for at least one week before taking a vote on the same.

Not to issue scrip, except money in the treasury.

Sixteenth—And if a majority of the persons voting, vote in favor of such proposition, the Common Council shall have authority to effect such loan, or create such debt, but not otherwise. The City Council shall, in no case, issue any scrip or other evidence of debt, or orders on the treasury, for larger amounts than there may be on hand to meet the demand.

To prevent riots.

Seventeenth—To prevent and restrain any riot or assemblage in any place, house, or street, in the City.

Fines for breach of ordinance.

Eighteenth—To impose and appropriate fines, forfeitures, and penalties, for the breach of any ordinance; but no fine shall be imposed of more than two hundred dollars, and no offender shall be imprisoned for a longer term than thirty days.

SEC. 7. Section ninth of article third of said Act is hereby amended so as to read as follows:

Officers to give bond.

Section nine—It shall be the duty of the Common Council to provide for the accountability of the City Marshal, Assessor,

Clerk, and Collector, and all persons to whom the receipt or expenditures of the funds of the City shall be intrusted, by requiring from them sufficient security for the faithful performance of their duties or trusts, which security shall be given by them before entering on their respective duties. In case such security should become insufficient, additional security may be required, and if not given within ten days, the Common Council, by a vote of two-thirds of the members, may declare the office vacant, and order a new election to fill such vacancy.

To give new bond in case of insufficiency.

SEC. 8. Section fifth of article fourth of said Act is hereby amended so as to read as follows:

Section five—It shall be the duty of the City Marshal to execute, within the City, and return all process issued and directed to him by the Justices of the Peace, or other legal authority within the City, and to arrest all persons guilty of a breach of the peace, or violation of any ordinance of the Common Council, and take them before the Justice of the Peace, or other legal authority within the City, and he shall perform all such other and further duties as may be required of him by the Common Council, appertaining to the Municipal Government and management of affairs of the City not specifically devolved upon some other officer or person by this charter. It shall be the duty of the City Collector to collect all taxes, assessments, licenses, wharfage, rents, fines, and all other moneys and dues belonging to, or which the City may be entitled to in any manner whatever, and pay over the same as required by the Common Council. He shall also regulate the landing and stationing of all steamers, vessels, and boats. The compensation of the City Collector shall be in the discretion of the Common Council, but shall not exceed the sum of fifteen hundred dollars. (\$1500) per annum.

Duties of Marshal.

SEC. 9. Section seventh of article fourth of said Act is hereby amended so as to read as follows:

Section seven—The Marshal shall receive, for his services, a salary not exceeding the sum of fifteen hundred dollars (\$1500) per annum, and such fees for executing legal process and making arrests for the City as are allowed Constables for similar services. The Common Council shall have no power to allow him any more salary, nor fees, nor any commissions, nor any other compensation whatever, for his services as Marshal.

Salary and fees of Marshal.

CHAP. XCII.—*An Act supplementary to, and amendatory of, an Act entitled "An Act to authorize the Funding of the Unfunded Debt of the City of San José, and to provide for the Payment of the same," approved April twenty-first, eighteen hundred and fifty-eight.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eight of "An Act to authorize the fund-

ing of the unfunded debt of the City of San José, and to provide for the payment of the same," approved April twenty-first, eighteen hundred and fifty-eight, is hereby amended so as to read as follows:

Compensat'n
of Commis-
sioners.

Section eight—The said Board of Commissioners shall be entitled to receive for their services under said Act, a commission not to exceed five per cent. on the amount of moneys received by them for the sale and disposal of the lands mentioned in section ten of said Act, which commission may be retained by said Commissioners out of any moneys arising from such sale, and no other compensation shall be allowed said Board of Commissioners.

SEC. 2. Section ten of said Act is hereby amended so as to read as follows:

Trustees to
convey to
Commis'srs.

Section ten—The Board of Trustees of the City of San José are hereby required to convey to the Commissioners of the Funded Debt, created by this Act, on their application therefor, all the property, and rights, titles, and interests in property, belonging to said City, together with lands, and rights in lands, or claims to lands, held or owned by the former Pueblo de la San José de Guadalupe, and all the Pueblo rights of said Pueblo. Said lands to be held by said Board of Commissioners in trust for the payment of the debts herein provided to be funded. Said

Commis'srs
authorized
to sell.

Board of Commissioners shall have power to sell or dispose of said lands in such manner as they deem the best interests of the City may require; and all moneys received from the disposal of said lands shall be applied to the payment of the debts herein provided to be funded, after paying the necessary expenses of said Board of Commissioners. Said Board shall have power, in their name as Commissioners of the Funded Debt of the City of San José, to sue for and bring all necessary suits, and take all necessary proceedings for the recovery of, or preservation of, or securing, the property by said Act provided to be conveyed to them. The property so conveyed shall be free from taxation as against said City of San José, or the Board of Commissioners; and said property shall also be exempt from execution as against said City; *Provided*, that no sale or disposal of such lands by said Board of Commissioners, shall be held legal and valid, except the same receive the sanction and approval of the City Government of said City.

Authorized
to sue.

Property
free from
taxation.

In order to
sell.

In case of
vacancy.

SEC. 3. When a vacancy shall occur as provided in section twelve of said Act, a new bond shall be required of each of said Commissioners as provided in section one of said Act, which bond shall be justified to before some proper officer, and be deposited in the office of the Clerk of said City.

Registry.

SEC. 4. The Secretary of the Board of Fund Commissioners shall make out a certified copy of the registry of blank bonds received by him, the amount of each bond issued, its date, to whom issued, for what purpose, its number, when payable, when and to whom paid, and for what amount, which he shall cause to be filed by the Clerk of the City, in his office. Said Secretary shall also furnish to the City Government of said City, on or before the first day of January of each year, a full report of the entire proceedings of said Board for the entire year; and for

Report.

his failure to comply with the requirements of this section, said Secretary shall be removed from office by the City authorities of said City. This Act shall take effect from and after its passage.

CHAP. XCIII.—*An Act to incorporate the City of Placerville.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. All that tract of land, in the County of El Dorado, lying within the boundaries and limits hereinafter mentioned—that is to say: Commencing at a large pine tree west of Frederick A. Bee's private dwelling, north sixty-five degrees east to another pine tree on the east bank of a ravine, distance two hundred and twenty-four rods; thence south thirty-four degrees east to a large pine stump, distance one hundred and twenty rods; thence south thirty-five degrees west to a tunnel on Coon Hollow and Hangtown Hill, distance two hundred and eight rods; thence north forty-four degrees west, distance two hundred and thirty-six rods, to the place of beginning, is hereby declared to be a City, and shall hereafter be known by the name of the City of Placerville. Boundaries defined.

SEC. 2. For the government of said City, there shall be a Mayor and Council, consisting of six members. The said Mayor and Council shall be a body politic and corporate, by the name and style of the "Mayor and Common Council of the City of Placerville," and by that name, they and their successors shall be known in law, have perpetual succession, sue, and be sued, complain and defend in all Courts, and in all actions and proceedings; may purchase, hold, and receive property, both real and personal, within said City, and may receive and hold, for the use of the City, legacies and donations of both real and personal property; may lease, sell, or otherwise dispose of, all City property, both real and personal, for the benefit of the City; and may provide for the management, regulation, and use of the same; *Provided*, they shall not purchase any real estate other than such as is within the City limits, and necessary for public buildings, for the laying out, widening, or improving the public streets, alleys, or grounds, for burial purposes. They may also have a common seal, and may alter the same at pleasure. Corporate body.
Powers.
May purchase and sell real estate, etc.
Restriction.
Seal.

SEC. 3. The City of Placerville shall be divided into three Wards. The Common Council shall have the power to fix the boundaries of the several Wards, and may alter such boundaries by a vote of two-thirds of all the members elect; *Provided*, such alteration be made at least thirty days previous to the annual election of City officers, and the particular boundaries published in some newspaper published in said City at least thirty days prior to such election.

SEC. 4. The officers of the City of Placerville shall be one Officers.

Mayor, one Recorder, six Aldermen, one Treasurer, one Assessor, one Clerk, one Marshal, one Collector, one Attorney, and such other officers as are hereinafter authorized to be appointed.

Term of office SEC. 5. The Mayor, Recorder, Assessor, Marshal, and Collector, shall be elected by the qualified voters of said City, and shall hold their offices for the term of one year, and until their successors are elected and qualified.

Aldermen. SEC. 6. Two Aldermen shall be elected by the qualified voters of each Ward, and shall hold their offices for the term of one year, and until their successors are elected and qualified.

Qualifications SEC. 7. No person shall be eligible to the office of Mayor, Aldermen, Assessor, Collector, Marshal, or Recorder, who is not a qualified elector of the State of California, or who has not been a resident of said City for at least six months preceding the election. And no person shall be entitled to vote for any City officer in any Ward except the Ward in which he resides.

Electors. SEC. 8. No person shall be allowed to vote at any City election who is not a qualified elector of the State of California, and has not been a resident of said City for at least three months next preceding the election.

Time of election. SEC. 9. The general election for Mayor, Aldermen, Recorder, Assessor, Marshal, and Collector, shall take place on the first Monday of June in each year. The Common Council of said City shall, for each election, appoint two Inspectors of Election in each Ward, and designate the place for opening the polls.

General election law. SEC. 10. All the provisions of law in force regulating elections, so far as the same are applicable, and not inconsistent with the provisions of this Act, shall apply to the election of City officers by the voters of said City.

Inspectors and Clerks. SEC. 11. The Inspectors of each Ward shall appoint one Clerk, whose duty it shall be to take down in writing the name of each voter as his vote is deposited. After the polls shall have been closed, it shall be the duty of the Inspectors and Clerk of each Ward to proceed immediately and canvass the votes cast at each Ward, which canvass shall be in public. Within two days after such election, the Inspectors and Clerk of each Ward shall deliver to each of the two persons who shall have received the highest number of votes in each Ward for Alderman, a certificate of his election to said office.

Certified statement. SEC. 12. At every annual election, the Inspectors and Clerk in each Ward shall, immediately after the votes are counted, make out a statement of the number of votes cast in each Ward, for the offices of Mayor, Recorder, Aldermen, Collector, Marshal, and Assessor, and the number of votes cast for each person to fill said offices respectively, which statement shall be certified by them to be correct. They shall also carefully seal up the votes and poll-list, and direct the same to the Common Council of said City. It shall be the duty of the Clerk of such Election Board, to deliver such sealed package and said certified statement to the Clerk of the Common Council within two days after any election shall have been held. On the Saturday next after any such election shall have been held, the Common Council shall proceed to ascertain from said certified statements what persons have received the highest number of votes in said City for the offices of

Time to make returns.

Mayor, Recorder, Assessor, Marshal, and Collector, and a certificate of election shall be issued by the Clerk, under their direction, to the person who shall have received the highest number of votes for each of said offices respectively. The Clerk of the Common Council shall keep the sealed packages containing the ballots, and poll-list, for thirty days, when, if no notice of any contested election shall have been given, he shall destroy the same. Certificates.

SEC. 13. The Mayor and Aldermen chosen at any election, shall be qualified and enter upon the discharge of their duties on the Monday next after their election. The other officers elected shall be qualified and enter upon the discharge of their duties within ten days after their election. If any person chosen for office at any election shall fail to qualify as above required, the office for which he shall have been chosen shall be deemed vacant. All City officers, before entering upon the discharge of their duties, shall take the usual oath of office. Commencement of term of office.

SEC. 14. The Common Council, at their first meeting after the annual election, or at any regular meeting thereafter, when they shall deem the same expedient, shall elect a President from their own body, who shall preside at all their meetings when the Mayor is not present; and whenever there is a vacancy in the office of Mayor, or whenever the Mayor is absent from the City, or unable from any cause to discharge the duties of his office, the President of the Council shall act as Mayor, and possess all the powers, and perform all the duties of the Mayor, during such vacancy, absence, or disability. Council to elect President.

SEC. 15. Whenever a vacancy shall occur in the office of Mayor, Recorder, Alderman, Assessor, Marshal, or Collector, the Common Council may, in their discretion, order a special election to fill such vacancy. The person elected to fill any vacancy, shall hold his office for the residue only of the term of his immediate predecessor. President to act as Mayor in case of absence or vacancy.

SEC. 16. The Common Council shall, each year, within one month after the annual election, elect by ballot the Treasurer, the Clerk, and the Attorney, who shall hold their respective offices for the term of one year from the annual election, and until their successors are elected and qualified, unless they shall be previously removed, for misconduct in office, neglect of duty, or otherwise. Vacancy of any officer to be filled by special election.

SEC. 17. The Common Council shall have power to create, by ordinance, such subordinate offices as they shall deem necessary for the proper government of said City, and may elect officers to fill the same. They shall also have power to remove from office any officer elected by them, whenever he shall have been declared, by a vote of two-thirds of the Common Council, guilty of any misconduct in office, or neglect of duty. When any office has been created by ordinance, the Common Council shall have power to abolish such office, or remove any incumbent therein, whenever, in their discretion, they shall deem such abolishment or removal expedient. In all elections the Council shall vote by ballot. Election of Attorney, Treasurer, etc., by the Board.

SEC. 18. The Common Council shall meet on the first Monday after the annual election, and on the first Monday of each Additional officers. Removal of officer. Abolishment of office. To vote by ballot. Times of meeting.

- subsequent month during the year, and at such other times as they, by adjournment or resolution, shall direct. The Mayor may call special meetings at any time he may think proper, by causing a written notice of such special meeting to be served upon each member of the Common Council. Such notice may be served, either personally, or by leaving a copy at the residence of the member, or at his place of business. At all meetings of the Common Council, the Mayor, when present, shall preside.
- Notice.**
- Quorum.** SEC. 19. A majority of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members. No tax or assessment shall be ordered, nor shall any office be created, unless by the vote of a majority of all the members elect. In case of a tie, the Mayor shall have the casting vote.
- Rules.** SEC. 20. The Common Council shall determine the rules for the government of their own proceedings, and shall be the judges of the qualification and election of their members.
- Casting vote.** SEC. 21. In the proceedings of the Common Council, each member present shall have a vote, except the Mayor, who shall have the casting vote, in all cases, when the votes of the other members are tied.
- Meetings to be public.** SEC. 22. All meetings of the Common Council shall be public, except when the Board shall deem that the interests of the City require secrecy. A Journal of all the proceedings of the Council shall be kept by the Clerk, and the ayes and noes shall be taken upon any question, and entered upon the Journals, at the request of any two members.
- To keep a journal.**
- By-laws and ordinances.** SEC. 23. The Common Council shall have power :
First—To make by-laws and ordinances, not repugnant to the Constitution or laws of the United States, or of the State of California.
- To levy and collect taxes.** *Second*—To levy and collect taxes on all property within the City, both real and personal, made taxable by law for State or County purposes, which tax shall not exceed two per cent. per annum upon the assessed value of all such property, unless an increased tax shall be authorized by a vote of the people, as hereinafter provided.
- To lay out streets, etc.** *Third*—To lay out, extend, and alter the streets and alleys, provide for the grading, draining, cleaning, widening, lighting, or otherwise improving the same. Also, to provide for the construction, repair, and preservation of sidewalks, bridges, drains, and sewers, and for the prevention and removal of obstructions from the streets and sidewalks.
- Fires and fire companies.** *Fourth*—To provide for the prevention and extinguishment of fires. Also, to organize, regulate, and establish fire-companies.
- Gunpowder.** *Fifth*—To regulate the storage of gunpowder and other combustible material.
- To prevent nuisances.** *Sixth*—To prevent and remove nuisances. Also, to determine what are nuisances.
- Police.** *Seventh*—To create and establish a City Police, to prescribe their duties and compensation, and provide for the regulation and government of the same.

Eighth—To fix and collect a license-tax on and regulate all theatres, and theatrical performances, circuses, shows, billiard-tables, bowling-alleys, and all exhibitions and amusements. Licenses.

Ninth—To fix and collect a license-tax on and regulate all taverns, hotels, restaurants, saloons, bar-rooms, bankers, brokers, gold-dust buyers, manufacturers, livery-stables, and livery-stable keepers, express companies, and persons engaged in the business of transmitting letters or packages, and stage-companies or owners whose principal place of business is in said City, or who shall have any agency therein. To tax hotels, etc.

Tenth—To license and regulate auctioneers. Auctioneers.

Eleventh—To license, tax, regulate, prohibit, and suppress, all tipling-houses, dram shops, raffles, hawkers, peddlers, and pawn-brokers, refreshment, or coffee-stands, booths, and sheds. Also, to prohibit and suppress all gaming, gambling-houses, disorderly houses, and houses of ill-fame. To license and prohibit dram-shops, etc.

Twelfth—To fix and collect a license-tax upon all professions, trades, or business not heretofore specified, having regard to the amount of business done by each person, or firm, thus licensed. License trades, etc.

Thirteenth—To provide for all necessary public buildings for the use of the City. Public buildings.

Fourteenth—To establish a Board of Health, to prevent the introduction and spread of diseases; to establish a City Infirmary, and provide for the indigent. Health.

Fifteenth—To prevent and restrain any riot, or riotous assemblage, or disorderly conduct within said City. Riots.

Sixteenth—To fix and prescribe the punishment for the breach of any City ordinance. But no fines shall be imposed, for one offence, in any sum greater than five hundred dollars, and no term of imprisonment shall be prescribed of more than thirty days. Fines.

Seventeenth—The Common Council may prescribe, by ordinance, that any person sentenced to imprisonment by the City Recorder, for any offence committed within the City limits, may be compelled to labor upon any of the streets, alleys, public grounds, or works of said City, during the term of imprisonment, under the control and in the custody of the City Marshal. Labor on streets.

Eighteenth—To compel the attendance of absent members, to punish its members for disorderly conduct, and to expel members, for cause, by a vote of two-thirds of the members elected. Attendance.

Nineteenth—To provide for the regulation, establishment, and support of common schools. Schools.

Twentieth—To make all necessary contracts and agreements for the benefit of the City; to contract debts on the faith and credit of the City; but no debt shall be contracted, or liability incurred, which, with the other liabilities of said City, (exclusive of the funded debt and interest,) shall exceed, in the aggregate, the estimated annual revenue, except as provided in section twenty-fourth of this Act. The Common Council shall not authorize the issuance of, nor shall any City officer issue, any scrip, or other evidence of debt, or order on the treasury, unless there be cash actually in the treasury to meet the order or warrant so drawn. Power to contract debt. Scrip prohibited, etc.

Twenty-first—To appropriate money for any item of City ex- Payment of debt, etc.

penditure, and to provide for the payment of any City indebtedness; to appropriate to the use of the City all fines, penalties, and forfeitures, imposed for the breach of any City ordinance.

Salaries,
fees, etc.

Twenty-second—To fix and establish the fees, salaries, and compensation, of all City officers, (except Mayor and Aldermen,) and provide the manner and mode of payment. The Mayor and Aldermen shall receive no fee, salary, or compensation, for the performance of their duties.

Special tax.

SEC. 24. Whenever, in the opinion of two-thirds of the members of the Common Council elect, it shall be expedient, or for the interests of said City, to collect by tax, for any purpose whatever, a larger sum of money than is herein before authorized to be levied and collected, they shall, by resolution, inform the Mayor of the amount of money proposed to be collected, the rate per cent. necessary to be levied upon the assessed value of the property in the City, whether the same is to be levied and collected in one or two years, and the object or purposes for which the money is to be expended. The Mayor shall then, at

Proclamati'n

least two weeks before the day when the proposition is to be voted upon by the people, issue his proclamation, and cause the same to be published for said two weeks, at least once a week, in some newspaper published in said City, stating all the matters contained in such resolution of the Common Council, and calling upon the people to vote upon the question of such tax. Such vote may be had either upon the day of the general annual election or upon such other day as the Mayor in his proclamation may designate. Upon the day designated, the qualified electors

Vote on tax.

of said City may vote upon the question of levying and collecting such tax; those voting in favor thereof shall have either written or printed upon their ballots, the words "For the Tax," and those voting against the same shall have written or printed upon their ballots the words "Against the Tax." If a majority of those voting upon the question shall vote in favor of the tax, the Common Council shall levy and cause to be collected, in addition to the taxes herein before authorized, the said tax, at the rate per cent. mentioned in the proclamation of the Mayor, at the same time and in the same manner as the other City taxes upon property are levied and collected. The money collected by such tax shall be a Special Fund, and shall be used and expended by the Common Council solely for the purpose or object mentioned in the proclamation of the Mayor, unless there shall be a surplus remaining after the accomplishment of such purpose or object, in which case such surplus shall be paid into the General Fund of said City. The Common Council shall in no case be authorized to borrow money upon the faith and credit of the City.

Special fund.

Official
bonds.

SEC. 25. It shall be the duty of the Common Council to provide for the accountability of all officers and other persons elected under this charter, to whom the receipt or expenditure of any of the funds of the City shall be intrusted, by requiring from them sufficient security for the faithful performance of their respective duties. Those persons or officers from whom security shall be required, shall, before entering upon the discharge of their duties, file with the Common Council an official bond,

with two sufficient sureties, to be approved by the Common Council. Such bond shall be payable to the "Mayor and Common Council of the City of Placerville," shall in form be joint and several, shall be conditioned for the faithful performance of the duties of the office. In case any such bond shall at any time be deemed insufficient, additional security may be required; and if the officer or person required to give such additional bond shall neglect or refuse so to do, for the space of three days after notice of such requirement, the Common Council may declare his office vacant.

SEC. 26. It shall be the duty of the Common Council to publish in one or more newspapers published in said City, at least two weeks before the annual election in each year, a full and detailed statement of the receipts and disbursements of the City during the year ending on the last day of the month preceding that in which the publication is made, and shall set forth, in every such statement, the different sources of the City revenues, and the amount received from each, the various appropriations made by the Common Council, the objects for which the same were made, and the amount expended under each. Statement of finances.

SEC. 27. Real and personal property may be sold by the City Collector for taxes or assessments due said City. The manner of assessing and collecting taxes, and the proceedings for the sale of property, in case of non-payment of the same, shall be prescribed by ordinance. In case the property sold for assessments or taxes shall be personal property, the title to the same shall vest absolutely in the purchaser thereof; but if real property, any person or persons may, at any time within six months after the date of such sale, redeem the same by depositing with the City Treasurer, for the benefit of such purchaser, the amount of such tax or assessment, and the expenses thereon, including the cost of certificate, together with fifty per cent. upon such aggregate amount in addition. At the expiration of six months from the date of such sale, the title to any real estate sold for City taxes or assessments, and not redeemed as above provided, shall vest and remain absolutely in the purchaser thereof, or his legal representatives, and the City Collector shall, on demand of such person or persons, make and execute to him or them a deed, duly acknowledged, for the same, for which deed the said Collector shall be entitled to receive five dollars, and such deed shall be received in any Court in this State, as *prima facie* evidence that the grantee or grantees named in said deed, or his or their successors in interest, have a good and legal title to the premises described therein. Delinquent taxes.

SEC. 28. Special assessments may be made by ordinances for the grading, paving, draining, or planking, any of the streets, alleys, or sidewalks, of said city, upon the lots, or parts of lots, situated upon the line of the proposed improvement. And the Common Council shall have authority to provide, by ordinance, the time and manner of assessing and collecting the same. Tax-deed.

SEC. 29. Every ordinance which shall have been passed by the Common Council, shall, before it becomes effective, be presented to the Mayor for his approval. If he approve, he shall sign it. If not, he shall return it, with his objections in writing, Improvement.

Ordinances.

to the Common Council, who shall cause such objections to be entered at large upon the Journals, and shall proceed at once to consider the same, or appoint a time when they shall be considered. If, after such consideration, a majority of the members elected shall vote in favor of the passage of the ordinance, the same shall be thenceforth in full force and effect, the objections of the Mayor notwithstanding. If any ordinance shall not be returned by the Mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall then become of full force and effect, the same as if the Mayor had signed it.

Duty of the
Mayor.

SEC. 30. It shall be the duty of the Mayor to communicate to the Common Council semi-annually, and oftener if he shall deem it expedient, a general statement of the situation and condition of the City, in relation to its government, finances, and improvements; to recommend to the Common Council the adoption of all such measures connected with the police, health, cleanliness, and ornament of the city, and the improvement of its government and finances, as he shall deem expedient; to be vigilant and active in causing the laws and ordinances for the government of the City to be duly executed and enforced; to exercise a constant supervision and control over the conduct and acts of all subordinate officers; to receive and examine into all such complaints as may be preferred against any of them, for violation and neglect of duty, and certify the same to the Common Council.

Duty of
Aldermen.

SEC. 31. It shall be the duty of every Alderman of said City to attend the regular and special meetings of the Common Council; to act upon Committees when appointed thereto by the Mayor; to report to the Common Council all City officers whom they may know to be guilty of misconduct in office, or neglect of duty; and to aid to the extent of their ability in maintaining the peace and good order of the City, and in enforcing the by-laws and ordinances of the Common Council.

Treasurer.

SEC. 32. It shall be the duty of the City Treasurer to receive all moneys belonging to the City, and to disburse the same upon proper warrants or vouchers. He shall keep an accurate and full account of all receipts and expenditures, in such manner as the Common Council shall direct; and he shall, whenever required by the Common Council, present to them a full account of such receipts or expenditures, for any period designated in their resolution. All warrants drawn on the treasury shall have specified therein the services or indebtedness for which the same is drawn. The Treasurer shall do and perform all such other acts as shall be prescribed by ordinances.

Marshal.

SEC. 33. It shall be the duty of the City Marshal to execute and return all process issued by the Recorder, or directed to him by any legal authority, and to attend upon the Recorder's Court; he shall arrest all persons guilty of a breach of the peace or other offence committed in his presence, and all persons guilty of a breach of any City ordinance, and bring them before the Recorder for trial or examination. He shall be *ex officio* Chief of Police, and shall perform all such police and other duties as the Common Council shall, by ordinance, direct.

Assessor.

SEC. 34. It shall be the duty of the Assessor to make out, and

return to the Common Council, a correct list of all the property taxable by law, within the limits of said City. The time and mode of making out such list, and returning the same, shall be prescribed by ordinance.

SEC. 35. It shall be the duty of the Collector to receive and collect all taxes and licenses due the City, and all other moneys or revenue due, or to become due, and to pay the same over to the Treasurer. The time and manner of such collection and payment shall be such as the Common Council shall, by ordinance, prescribe. Collector.

SEC. 36. It shall be the duty of the City Clerk to keep the corporate seal, and all papers and documents belonging to the City; to file the same in his office under appropriate heads; to attend the sittings of the Common Council, and to keep a journal of their proceedings, and a record of all by-laws and ordinances; to countersign all warrants and licenses issued in pursuance of the orders and ordinances of the Council; to affix the corporate seal thereto; to keep an accurate account, in a suitable book, under the appropriate head, of all orders and warrants drawn on the treasury. Also, to keep an account, in an appropriate book, of all licenses issued, the date of the issue, and the amount; and and he shall do and perform all such other duties as may be required or directed by the Common Council, by resolution or ordinance. Clerk.

SEC. 37. It shall be the duty of the City Attorney to attend to all suits, matters, and things, in which the City may be interested; to give his advice in writing, when requested, to the Mayor and Common Council; and to do and perform all such things touching his office as the Common Council may require of him; and to attend to all prosecutions in the Recorder's Court, when required so to do by the Recorder. Attorney.

SEC. 38. A Recorder's Court is hereby established in said City, which shall be presided over by the City Recorder. The Recorder shall have exclusive jurisdiction of all violations of any City ordinance, and may hold to bail, fine, or commit to prison, any offender, in accordance with the provisions of such ordinance, of all cases of misdemeanor and willful injury to property, committed within the city limits, punishable by fine not exceeding five hundred dollars, and imprisonment not exceeding six months, or by both such fine and imprisonment; also, of all cases of assault and battery, committed within the city limits, not charged to have been committed on a public officer in the discharge of his duties, or with intent to commit murder. He shall exercise all the powers and jurisdiction of a Justice of the Peace in regard to offences committed within the city limits, and may administer all oaths and affirmations known to the law. The said Recorder's Court shall have such further jurisdiction as is by general statute conferred upon Recorders' Courts, and the proceedings therein shall be such as are provided by law for proceedings in Justices', Recorders', and Mayors' Courts. In case of the death, sickness, absence from the City, disability, resignation, or removal of the Recorder, the Mayor shall be *ex officio* Recorder, and shall perform the duties of his office during such vacancy, absence, or disability, and have the same jurisdiction Recorder's Court.

and powers that are vested in the Recorder. Whenever sentence of imprisonment is passed upon any offender, the Recorder may include in such sentence that such offender shall be subject to labor, under the charge and in the custody of the City Marshal; *Provided*, any provisions shall have been made by ordinance for carrying such sentence into effect. He may, also, in any suit, prosecution, or proceeding before him, tax the costs thereof against the person convicted.

Record of
votes.

SEC. 39. Upon the passage of all resolutions and ordinances appropriating money, imposing taxes, abolishing licenses, or increasing or lessening the amount to be paid for licenses, the yeas and nays shall be called, and entered upon the Journal.

Appropriat'n
of money.

SEC. 40. A majority of the members elected to the Common Council shall be necessary to pass any resolution or ordinance appropriating the sum of one hundred dollars or more, for any purpose, or any ordinance in anywise increasing or diminishing the City revenue.

SEC. 41. Any resolution or ordinance providing for the appropriation, for any object or purpose, of the sum of five hundred dollars or more, shall lie over for one week.

Publication.

SEC. 42. The style of the City ordinances shall be: "The Common Council of the City of Placerville do ordain." All ordinances shall be published in one or more newspaper published in said City, within one week after their passage.

Recorder.

SEC. 43. The Common Council of said City shall have the right, at any time after the passage of this Act, to elect, by ballot, a Recorder of said City, who shall hold his office until the annual election next after the passage hereof, and until his successor is elected and qualified.

Present
officers.

SEC. 44. The officers of the present City Government of said City shall remain in office, and exercise the powers granted to City officers by this Act, until the election and qualification of the officers to be elected under the provisions of this Act. The City shall remain divided into Wards, as at present, until the boundaries of said Wards shall be changed or altered by ordinance. And nothing in this Act contained, shall repeal, or in any manner affect the binding force or validity of any ordinance now in force in said City, or affect in any manner, any debt, contract, or liability of said City, now in existence.

Repealing
clause.

SEC. 45. An Act entitled an Act to incorporate the town of Placerville, passed May thirteenth, one thousand eight hundred and fifty-four, and an Act entitled "An Act to amend an Act entitled an Act to incorporate the town of Placerville," passed April twenty-fourth, one thousand eight hundred and fifty-seven, are hereby repealed.

Take effect.

SEC. 46. This Act shall take effect and be in force from and after its passage.

CHAP. XCIV.—*An Act to provide for the Purchase and Erection of Hydrants in the City and County of San Francisco.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors of the City and County of San Francisco are hereby authorized and empowered to purchase and erect such hydrants, with the connecting pipes and appendages, as they may deem necessary and expedient. And the Auditor of said City and County is hereby authorized to audit, and the Treasurer to pay, the demands so authorized. Purchase hydrants.

SEC. 2. The expense of the purchase and erection of said hydrants shall be paid out of the General Fund, over and beyond the amount already allowed for the maintenance of the Fire Department. Out of general fund.

SEC. 3. The Auditor of said City and County is hereby authorized to audit, and the Treasurer to pay, out of the General Fund, demands not exceeding four thousand five hundred dollars, in addition to the amount already provided by law for the maintenance of the Fire Department, including expenditures already authorized by said Board of Supervisors for the purchase and erection of hydrants. Limitation.

CHAP. XCV.—*An Act to amend section one hundred and seventy-nine of an Act entitled an Act concerning Corporations, passed April twenty-second, eighteen hundred and fifty.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and seventy-nine of said Act entitled an Act concerning corporations, is hereby amended so as to read as follows:

Section one hundred and seventy-nine—It shall be lawful for the District Court within and for the County in which any such corporation shall have been constituted, on the application of such corporation, and on its satisfactorily appearing to such Court by competent proof, by affidavit or otherwise, that due notice, by personal service, or by publication in some newspaper as the said Court or Judge thereof shall direct, has been given to all persons interested in the matter, and that it will be to the benefit, interest, and advantage, of such church, congregation, religious, moral, beneficial, literary, or scientific association, or society, to make an order for the sale or mortgage of any real estate belonging to such corporation, or for the confirmation of Conditions on which corporations may sell.

any contract under which a valid lien may attach to said property; and it shall be lawful for any member of such church, congregation, association, or society, to oppose, by affidavit or otherwise, the granting of such order; and it shall be lawful for said Court, at the time of making such order, directing the execution of a mortgage, also to make a further order, allowing such corporation to make and deliver with such mortgage, a bond, or promissory note, under the corporate seal, and in the corporate name of such corporation, as evidence of the indebtedness, to secure which, such mortgage is directed to be made; and it shall be the duty of said Court, when granting such order or orders, to direct therein the application of the moneys arising from such sale, or procured under such contract, or upon such security as it shall be made to appear to said Court would be for the interest and advantage of such church, congregation, association, or society.

CHAP. XCVI.—*An Act concerning the Board of Supervisors of the County of Tuolumne.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Three
members.

SECTION 1. The Board of Supervisors of the County of Tuolumne shall, after the terms of office of the present incumbents expire, consist of three members, who shall hold their offices for the term of three years, except as hereinafter provided.

Draw lots.

SEC. 2. At the next general election, there shall be elected, in the County of Tuolumne, by the qualified electors thereof, three Supervisors—one to hold his office for the term of one year—one to hold his office for the term of two years—and one to hold his office for the term of three years; and at the first meeting of the Board of Supervisors of said County after their election, they shall draw lots for the terms, one, two, and three years respectively; and the Supervisor who draws one year shall hold office for one year from the time of his election; and the Supervisor who draws two years, and the Supervisor who draws three years, shall hold office for the term of two and three years respectively, or until their successors are elected and qualified; so that after the next general election there shall be annually elected one Supervisor, to hold office for the term of three years.

Vacancy.

SEC. 3. Whenever it becomes necessary to elect a Supervisor to fill any vacancy occasioned by death, resignation, or any other cause, the person elected shall hold his office for the unexpired term for which his predecessor was elected.

Compensat'n

SEC. 4. The Supervisors of the County of Tuolumne shall receive, for their compensation, the sum of six hundred dollars per annum each; they shall do all the duties required of them by law to be done, and shall receive no other compensation for their services than is herein provided.

SEC. 5. The Supervisor filling the term nearest expiration shall be Chairman of said Board; *Provided*, that in no instance shall this provision apply to a member of the Board elected to fill a vacancy, unless each member composing said Board shall have been elected to serve out an unexpired term. Chairman.

SEC. 6. All Acts, or parts of Acts, inconsistent or in conflict with the provisions of this Act, are hereby repealed. Repealing clause.

CHAP. XCVII.—*An Act concerning the Offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Clerk of the City and County of San Francisco shall, from and after the thirty-first day of March, A. D. eighteen hundred and fifty-nine, receive for all services required of him by law, in his said office, and *ex officio* offices, a salary at the rate of five thousand dollars per annum, which salary shall be in full for all services required of him, as aforesaid, and the money for the payment of the same shall be collected and paid him in the manner hereinafter provided. County Clerk.

SEC. 2. The Sheriff of the City and County of San Francisco shall, from and after the date named in section first of this Act, receive for all services required of him by law, in his office, a salary at the rate of ten thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and the money for the payment of said salary shall be collected and paid him in the manner hereinafter provided. Sheriff.

SEC. 3. The Recorder of the City and County of San Francisco, from and after the date named in section one of this Act, shall receive for all services required of him by law, in his said office, a salary at the rate of five thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and the money for the payment of the same shall be collected and paid him in the manner hereinafter provided. Recorder.

SEC. 4. The County Clerk of the City and County of San Francisco may be allowed the following Deputies or Copying Clerks, who shall be paid and employed, as follows: One Chief Clerk, for the remainder of the present term of office of the County Clerk, and no longer, who shall receive a salary of two hundred and fifty dollars per month; one Register Clerk, in the Twelfth District, who shall receive a salary of two hundred dollars per month; one Court-room Clerk, who shall receive a salary of two hundred dollars per month, and one Assistant or Copying Clerk, in the office of the Clerk of said Twelfth District Court, who shall receive a salary of one hundred and fifty dollars per month; one Register Clerk, in the Fourth District Court, who shall receive Deputy Clerks.

a salary of two hundred dollars per month; and one Court-room Clerk, a salary of two hundred dollars per month, and one Assistant or Copying Clerk, in the office of the Clerk of the said Fourth District Court, who shall receive a salary of one hundred and fifty dollars per month, each; one Clerk in the County Court, Court of Sessions, and Probate Court, who shall receive a salary of two hundred dollars per month; and one Assistant Clerk, to be employed in the office of the last-mentioned Courts, who shall receive a salary of one hundred and fifty dollars per month.

Deputy
Sheriffs.

SEC. 5. *Article one*—The Sheriff of the City and County of San Francisco may, from and after the day named in section one of this Act, be allowed the following Deputies: one Deputy in the Court of Sessions and County Court, who shall receive a salary of two hundred dollars per month; also, one Deputy to attend upon the Grand-Jury, Probate Court, and District Attorney, to be paid at the rate of one hundred and fifty dollars per month; and four Deputies, who shall act in the capacity of Jail-keepers, and who shall receive salaries of one hundred and fifty dollars per month, each; and the Auditor of the City and County of San Francisco is hereby required to audit the salaries of all the Deputy-Sheriffs, mentioned above in this section, monthly, and the Treasurer of said City and County is hereby empowered and directed to pay said salaries so audited, out of the General Fund of the said City and County, in the order of their registration.

Article two—The Sheriff may be allowed, in addition to the Deputies mentioned in article first of this section, one Under-Sheriff, to be paid at the rate of three hundred dollars per month. One Deputy in the Twelfth District Court, and one Deputy in the Fourth District Court, who shall receive salaries of two hundred dollars per month, each; two Deputies, to be paid at the rate of one hundred and fifty dollars per month, each; one Book-keeper, to be paid at the rate of two hundred dollars per month; and one Attorney, to be paid at the rate of fifteen hundred dollars per annum—the money for the payment of the Deputies, Book-keeper, and Attorney, mentioned in this article of this section, shall be collected and paid in the manner hereinafter provided.

Deputy
Recorder.

SEC. 6. The Recorder of said City and County of San Francisco, shall, from and after the day named in the first section of this Act, be allowed one Chief Clerk, to be paid at the rate of two hundred dollars per month. Also, as many Deputy-Clerks as he, the said Recorder, may deem necessary to duly perform the duties of his said office, who shall be paid at the rate of ten cents per folio of one hundred words, for each and every folio of all matter either registered or copied by them, or either of them. The Recorder, or Chief Clerk, shall, when any papers are presented for registration, or to be copied, note on the margin of each and every paper so presented, the number of folios paid for by the party for whom it is registered or copied, and shall certify monthly, under oath, to the number of folios copied or registered by each one of said Deputy Clerks, and such certificate of the Recorder or Chief Clerk shall be conclusive and sufficient evidence to authorize and require the Auditor of said City

and County to audit, severally, the accounts of said Deputy-Clerks monthly; the said Recorder may be allowed one person to act in the capacity of Porter or Watchman, to be paid at the rate of one hundred dollars per month.

SEC. 7. The Recorder of the City and County of San Francisco shall receive, for recording or copying any instrument, paper, or notice, when required, for each folio, twenty cents. Fees.

SEC. 8. The several officers named in this Act shall, from and after the day named in the first section of this Act, collect and safely keep all fees, per centages, and compensations of whatever nature or kind allowed them by law, for services rendered by them or their deputies in their several official capacities; and they shall, on each Monday after the said date, pay the same to the County Treasurer of the said City and County of San Francisco. Fees to be paid into treasury.

SEC. 9. The several officers named in this Act shall, at the expiration of each month, make out and file with the said Treasurer, a full and accurate statement, under oath, of all fees, per centages, or compensations of whatever nature or kind, received in their said several official capacities during the preceding month, in which statement they shall set forth the causes in which, and the services for which, such compensations were received. And it shall be the duty of each one of said officers to keep a book in which shall be entered, by items, every kind or description of services performed by them or their deputies, the time of rendering said services, and the amount allowed by law for each particular service; which book or books shall be open to the inspection of the Board of Supervisors, and every citizen, at all times. Statement. Record of fees.

SEC. 10. For a willful neglect, or for a refusal to comply with the provisions of this Act, or for any one or more of them, any officer or officers herein named, shall, on conviction, be subject to a fine not exceeding five thousand dollars, to forfeit their offices, to imprisonment in the State-prison not less than one, nor more than three years, or to any one or more of said penalties, in the discretion of the Court; *Provided*, that nothing in this section shall be held to release them from the giving of any bonds required by law, or from any civil responsibility to any and all persons, in relation to the business of their said offices, that may be, by general laws, applicable to their said official duties. Penalty.

SEC. 11. When stationery and blanks are required for the use of any of the officers herein named, a statement, sworn to by the officer making the requisition, shall be presented to the Board of Supervisors for their approval, who may order the sum necessary to pay for the same, to be paid out of the fees paid over to the County Treasurer. Stationery accounts.

SEC. 12. *Article one*—It shall be the duty of the Treasurer of the City and County of San Francisco, on and after the date mentioned in the first section of this Act, to receipt for, and safely keep, all moneys paid over to him under the provisions of this Act, and to place the same to the credit of the Special Fee Fund, created by virtue of this Act; and the said Treasurer shall pay, on the audit of the County Auditor, (who is hereby directed to Special fund.

audit the salaries herein provided,) out of said moneys, to the credit of said Special Fee Fund, monthly, all the salaries provided in this Act, except such as are mentioned in article one, section five, of this Act, and the payment of which is otherwise provided for therein, to be paid to the said County Clerk, Sheriff, and County Recorder, of the aforesaid City and County, and their deputies, clerks, book-keepers, attorney, and employes, authorized by this Act.

In case of
deficiency.

Article two—And it shall be the duty of said Treasurer to make up an accurate statement of said Special Fee Fund on the day named in the first section of this Act, showing the actual condition of said Fund on said day, and should a deficit be found to exist in said Fund on said day, the Treasurer shall, and he is hereby empowered and directed to, register all outstanding demands audited and made payable out of said Fund, and which may remain unpaid after exhausting all the moneys to the credit of said Fund, upon and against the General Fund of the aforesaid City and County; and he, the said Treasurer, shall pay the same out of any moneys to the credit of said General Fund, in the order of their registration. And the said Treasurer shall, quarterly, thereafter, to wit, commencing on the first day of July, A. D. eighteen hundred and fifty-nine, make up a like statement of the aforesaid Special Fee Fund, and shall, on the said first day of July, A. D. eighteen hundred and fifty-nine, and on the first day of October, and first day of January, and first day of April next following, of each and every year, transfer any balance which may be found to remain to the credit of the said Fund, after paying all demands made payable out of said Fund, to the credit of the General Fund of the aforesaid City and County, and should a deficit be found to exist in the aforesaid Special Fee Fund, then the said Treasurer shall, and he is hereby empowered and directed to, register on the aforesaid stated days all outstanding demands audited and made payable out of said Special Fee Fund, which remain unpaid after exhausting all the moneys to the credit of said Fund upon and against the General Fund of the said City and County, and shall pay the same out of any moneys to the credit of said General Fund in the order of their registration.

Publication.

SEC. 13. It shall be the duty of the Sheriff to bestow the advertising of his office on such paper as will do the same at the lowest rates. He shall, every six months, publish three successive times, in one or more daily papers published in the County of San Francisco, for proposals for such bids, and the daily paper offering to do the work at the lowest price, provided it be a paper of general circulation, shall be awarded the contract for such advertising.

Fees in
advance.

SEC. 14. The Clerk of said City and County shall not be obliged to file any paper in any suit, or legal proceeding, nor enter satisfaction of any judgment or decree, until the fees prescribed by law are paid or tendered; and the County Clerk shall in no case be required to perform services in any suit or proceeding until all fees due and in arrears, in such suit or proceeding, are first paid.

Repealing
clause.

SEC. 15. All Acts, and parts of Acts, in conflict with the pro-

visions of this Act, are hereby declared inoperative and of no effect from and after the thirty-first day of March, one thousand eight hundred and fifty-nine, so far as they relate to the offices of County Clerk, Sheriff, and County Recorder, of the City and County of San Francisco.

CHAP. XCVIII.—*An Act Amendatory and Supplemental to an Act entitled an Act to provide for the formation of Corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of said Act is hereby amended so as to read as follows :

Section second—Any three or more persons who may desire to form a company for any one or more of the purposes specified in the preceding section, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file, in the office of the County Clerk of the County in which the principal place of business of the company is intended to be located, and a certified copy thereof, under the hand of the Clerk, and seal of the County Court of said County, in the office of the Secretary of State, a certificate in writing, in which shall be stated the corporate name of the company, the objects for which the company shall be formed, the amount of its capital stock, the time of its existence, not to exceed fifty years, the number of shares of which the stock shall consist, the number of Trustees and their names, who shall manage the concerns of the company for the first three months, and the names of the City, or Town, and County, in which the principal place of business of the company is to be located.

Any three persons may become incorporat'd

SEC. 2. All corporations heretofore formed under the provisions of the Act of which this is amendatory, who have filed a certified copy of the certificate in writing, required to be executed in the first section of this Act, in the office of the Secretary of State, shall, to all intents and purposes, be as legally incorporated as though a duplicate thereof had been filed in the office of the said Secretary of State, and all acts heretofore done by such companies, under their corporate name, in conformity to the laws governing corporations in this State, are hereby made lawful acts.

Legalizing certain corporations

CHAP. XCIX.—*An Act to amend an Act entitled an Act prescribing the mode of maintaining and defending Possessory Actions on public lands in this State, approved April twentieth, eighteen hundred and fifty-two.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section third of said Act shall be, and the same is hereby, so amended as to read as follows :

Possessory
claims.

Section third—Any person being a citizen of the United States, claiming any of the public lands in this State, shall file in the office of the Recorder of the County in which such lands are situated, his affidavit, setting forth,

First—That his or her lines do not embrace more than one hundred and sixty acres of land.

Second—That he or she holds no other claim under this Act, and to the best of his or her knowledge and belief, that the said lands are not claimed under any existing title.

Record.

Upon the filing of this affidavit, the Recorder shall proceed to record said claim, in a book to be kept in his office for that purpose.

CHAP. C.—*An Act concerning the Office of Sheriff in and for the Counties of Solano and Contra Costa.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Collect taxes
after term of
office.

SECTION 1. The present Sheriffs of the Counties of Contra Costa and Solano, and their successors in office, shall complete the collection of all taxes on any assessment-rolls or tax-lists placed in their hands for collection, notwithstanding their term of office may expire after receiving such assessment-rolls or tax-lists, and prior to the completion of the collection of the same.

Repealing
clause.

SEC. 2. So far as section thirty-three of an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, conflicts with the provisions of this Act, the same is hereby repealed.

CHAP. CI.—*An Act for the relief of the County Treasurer of the County of San Joaquin.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the State Treasurer of the State of California be, and is hereby, authorized and directed to receive from E. F. Jones, County Treasurer of the County of San Joaquin, in the next settlement of his accounts as Treasurer, the sum of three hundred and four dollars in warrants issued by the State Controller—the said warrants having been received by him, the said Treasurer of the County of San Joaquin, from his predecessor in office, as a part of the sum of two thousand nine hundred and eighty-seven dollars received for swamp and overflowed land, and from the Sheriff, for State taxes, as follows: Warrant number nine hundred and sixty-seven, for the sum of one hundred dollars; warrant number nine hundred and seventy, for the sum of one hundred and four dollars, received from the Sheriff, for taxes; and warrant number seven hundred and forty-five, for the sum of one hundred dollars, for swamp and overflowed lands.

Controller's
warrants for
taxes.

SEC. 2. The Controller of the State of California is authorized and directed to allow the said E. F. Jones, County Treasurer, aforesaid, in the next settlement of his accounts, the sum of eighty-nine dollars and sixty-one cents, as commission due the said E. F. Jones, and his predecessor, S. H. Brooks, on the amount paid to the State Treasurer of the State of California in Controller's warrants, and on which no commission was allowed.

Commissions

CHAP. CII.—*An Act to authorize the Mayor of the City of Benicia to enter into an Agreement with S. C. Hastings for an exchange of certain Property, for School Purposes.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that certain tract of land in said City of Benicia, known upon the map of said City as Solano Square, fronting six hundred feet on First street, six hundred feet on M street, six hundred feet on West Second street, and six hundred feet on N street, be, and the same is hereby, vacated as a public square, and the Mayor of said City is authorized to cede the same to Mother Mary Goemaire, and her associates, and their successors, of Saint Catharine's Academy, for the purpose of establishing a seminary of learning, according to agreement with S. C. Has-

Property in
exchange.

tings, and ordinance of the Council, approved by the Mayor, February eighth, eighteen hundred and fifty-nine.

Ratification
of agreement

SEC. 2. That the agreement between the said Mayor and S. C. Hastings, as set out in the ordinance referred to in the first section of this Act, be, and the same is hereby, ratified and confirmed; *Provided*, that nothing in this Act, or in the ordinance or agreement herein referred to, shall be so construed as to, in any manner, authorize the permanent closing up or obstructing of any street in the City of Benicia.

CHAP. CIII.—*An Act making Appropriations for the Salaries of the Clerks in the State Land Office from the first day of February to the thirtieth day of June, one thousand eight hundred and fifty-nine.*

[Approved March 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Pay of Clerks

SECTION 1. The sum of fourteen hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, for the salaries of Clerks in the State Land Office, from the first day of February to the thirtieth day of June, one thousand eight hundred and fifty-nine, inclusive.

SEC. 2. The Controller is hereby authorized and directed to draw his warrant upon the Treasurer for the sum of fourteen hundred dollars, for the payment of Clerks in the State Land Office, not to exceed the sum of two hundred dollars per month to each Clerk; *Provided*, that in no case shall the Controller issue warrants for a greater sum than fourteen hundred dollars for the five months provided for in the first section of this Act.

CHAP. CIV.—*An Act amendatory of an Act entitled an Act concerning the office of Public Administrator in the Counties of Nevada, Sacramento, Monterey, and Amador, approved April fifth, eighteen hundred and fifty-six.*

[Became a Law by operation of the Constitution, March 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of the Act aforesaid is so amended as to read as follows:

Compensation

Section one—The Public Administrator of the Counties of Nevada, Sacramento, Monterey, Amador, and Yolo, shall hereafter be entitled to receive for his services the same fees as are

allowed executors and administrators by an Act entitled an Act to regulate the settlement of the estate of deceased persons, passed May first, one thousand eight hundred and fifty-one.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this ninth day of March, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CV.—*An Act to fix the Time for the commencement of the Terms of the District Court, County Courts, and Courts of Sessions, in the Counties of Sutter and Yuba.*

[Approved March 10, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The terms of the District Court of the Tenth Judicial District shall commence in the County of Yuba on the third Monday of January, April, July, and October; and in the County of Sutter on the second Monday of March, June, September, and December, in each year. District Court.

SEC. 2. The terms of the County Court in the County of Yuba shall commence on the first Monday of January, April, July, and October, and in the County of Sutter on the first Monday of March, June, September, and December, in each year. County Court.

SEC. 3. The terms of the Court of Sessions in the County of Yuba shall commence on the third Monday of February, May, August, and November; and in the County of Sutter on the first Monday of January, April, July, and October, in each year. Court of Sessions.

SEC. 4. All laws heretofore enacted, so far as they conflict with the provisions of this Act, are hereby repealed. Repealing clause.

CHAP. CVI.—*An Act to aid in the Erection of the "Washington Monument," in the District of Columbia.*

[Approved March 10, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of aiding in the erection of the "Washington Monument," in the District of Columbia, the Controller of State is hereby authorized and required to draw his warrant on the General Fund for one thousand dollars, in favor of the Governor of the State of California, in the month of June of \$1,000 donated.

each year, and the Treasurer of State is hereby authorized and required to pay the same, and the Governor shall transmit said amount to the Treasurer of the "Washington Monument Association," or to the proper officer or officers, to be applied to the erection of said monument.

Out of General Fund.

SEC. 2. The sum of one thousand dollars is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the purposes of this Act.

Cost of exchange.

SEC. 3. The cost of exchange required to forward said amount shall be paid out of the fund for stationery, lights, fuel, etc., for the Legislature, upon the order of the Governor.

CHAP. CVII.—*An Act to amend an Act entitled "An Act supplementary to an Act to provide for Funding the Indebtedness of the County of Yuba," approved April twenty-second, one thousand eight hundred and fifty-eight.*

[Approved March 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Auditor's warrants.

Section one—The holders of any indebtedness against the County of Yuba, due or payable on or before the first day of July, A. D. one thousand eight hundred and fifty-seven, in warrants drawn by the County Auditor upon the County Treasurer, payable out of the General Fund or any special Fund of said County, shall be entitled to the privilege of having the same funded by the Funding Commissioner of said County, under the provisions of the above named Act, at any time prior to the first day of July, one thousand eight hundred and fifty-nine.

CHAP. CVIII.—*An Act to define the Boundaries and provide for the Organization of Mendocino County.*

[Approved March 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Boundaries defined.

SECTION 1. Mendocino County is bounded as follows: Beginning at a point in the Pacific Ocean, three miles due west of the mouth of Gualale river, thence east to the middle of the mouth of said stream, and up the middle of the channel of said stream, two miles; thence in a direct line to the most northern

and highest peak or summit of the Redwood Mountain, immediately north of Cloverdale, and Oat Valley; thence due east to the western boundary of Napa County, on the summit of the Mayacmas Ridge; thence northerly, and easterly, along the west and north boundary of Napa County, to the western boundary of Colusa County; thence northerly along the western boundaries of the Counties of Colusa and Tehama, to a point on the line of the fifth standard north of the Mount Diablo meridian; thence along the said standard parallel due west, to a point in the Pacific Ocean three miles west from the shore; thence southerly, parallel with the coast, to the point of beginning.

SEC. 2. There shall be an election held for County Officers, and the location of the Seat of Justice of Mendocino County, on the first Monday in May, one thousand eight hundred and fifty-nine, at which election the qualified voters of said County shall choose one County Judge, one District-Attorney, one County Clerk, who shall be *ex officio* County Recorder and Auditor, one Sheriff, one County Surveyor, one County Assessor, one Coroner, one County Treasurer, and three Supervisors. Election for officers.

SEC. 3. Joseph Knox, Flave Nally, Harry Beehtel, George Brown, and Jacob Heiser, are hereby appointed Commissioners to designate, provided they shall deem it necessary, additional precincts to those already established within the County of Mendocino for said election, and to appoint the Inspectors and Judges of Elections for the various Precincts of the County, to receive the returns, and issue certificates of election to the persons receiving the highest number of legal votes for the different offices, and to declare what place is the legally elected County-seat. In all other respects, said election shall be conducted according to the laws now in force regulating elections in and for the State of California. Commis'srs.

SEC. 4. Said Commissioners shall meet at Hall's House, in Cold Spring Valley, Ukiah Township, on the second Monday in April, one thousand eight hundred and fifty-nine, and after having been duly sworn, by an officer competent to administer oaths, to well and truly perform their duties, shall designate Precincts, if, in their opinion others than those already established are necessary, and appoint an Inspector and two Judges of Election, for each Precinct in the County. The Commissioners shall appoint one of their number as President, and one as Clerk, who shall keep a record of their proceedings, which record shall be deposited in the County Clerk's office, so soon as the Clerk shall have entered upon the discharge of his duties. A majority of said Commissioners shall at all times constitute a quorum for the transaction of business. Powers and duties.

SEC. 5. The said Board of Commissioners shall, after designating the Precincts of the County, and appointing the Judges and Inspectors thereof, give notice of such Precincts, and officers of election, by notices posted at each of the Precincts, ten days previous to the day of election. Precincts and officers of election.

SEC. 6. Sealed returns from the officers of election of the several Precincts, may be delivered to any qualified member of the Board of Commissioners. Said Board shall meet at Cold Spring on the Monday subsequent to the day of election, and the Returns.

returns shall then be opened and read, and under their direction and in their presence, a tabular statement shall be made out, showing the vote given at each Precinct of the County for each person, and for each of the offices to be filled at the election, and also the entire vote given for each person, and the office which each one is voted to fill. The statement then to be made out by such Board shall be signed by the President and Clerk. They shall also count the vote for County-seat, and declare the result.

Certificate. SEC. 7. As soon as the statements and certificates are made out by the Board, the President shall declare the result, and immediately make out and send, or deliver, to each person chosen, a certificate of election, signed by him as President of the Board of Commissioners of Election, and attested by the Clerk.

Qualifying. SEC. 8. Each person elected shall qualify and enter upon the duties of his office, within ten days after the receipt of his certificate of election. The person elected as County Judge shall qualify before the President of the Board of Commissioners of Election. Persons elected to other offices of the County may qualify before the said President, or before the County Judge.

Transmit returns. SEC. 9. The President of the Board shall transmit, without delay, an abstract of said election returns to the Secretary of State, and retain the original returns until the Clerk shall qualify, when he shall file the same in the Clerk's office.

County Judge. SEC. 10. The County Judge chosen under this Act shall hold office for four years from the first day of December, one thousand eight hundred and fifty-nine, and until his successor is elected and qualified. The other officers elected under this Act shall hold their respective offices for two years from the first day of December, one thousand eight hundred and fifty-nine, and until their successors are elected and qualified.

Courts. SEC. 11. The Courts authorized to be held by the County Judge of Mendocino County, shall be held all at the same time, viz.: commencing on the first Monday of each of the following months, viz.: February, May, August, and November; *Provided*, that the County Judge may call and hold special terms of the Probate Court, and Court of Sessions, whenever the public interest may require it.

Compensation. SEC. 12. The County Judge of Mendocino County shall receive, as a compensation for his services, one thousand five hundred dollars per annum, to be paid quarterly; the District-Attorney shall receive six hundred dollars per annum, to be paid quarterly.

Supervisors. SEC. 13. The Supervisors chosen under this Act shall hold regular meetings for the transaction of County business, at the County-seat, on the third Monday of each of the following months, viz., February, May, August, and November; two special terms, and no more, may be held within the same year, at the call of the President of the Board. The Supervisors shall be chosen from three different townships in the County. Their compensation shall be twenty cents for every necessary mile traveled in going from their residences to the County-seat, to attend any regular meeting of the Board and returning; also, each member of the Board shall be allowed five dollars per diem during the session of the Board.

SEC. 14. Mendocino County shall be, and remain, a portion of the Seventh Judicial District. The District Judge shall hold one term of his Court in Mendocino County, on the third Monday in November, one thousand eight hundred and fifty-nine, and in every year thereafter two terms, viz.: on the third Monday in July, and November. Included in 7th Judicial District.

SEC. 15. Hereafter, one of the two members of the Assembly, allowed by law to Sonoma and Mendocino jointly, shall be elected from Mendocino County, and one of said members shall be elected from Sonoma County. Member of Assembly.

SEC. 16. Beverly Mundy of Sonoma County, Jesse Whilton of Napa County, and Upton Gordon of Marin County, are hereby appointed Commissioners to go into Mendocino County, and select two sites, which they shall deem the two most suitable sites in said County for County-seat; after having made their selection as directed, they shall report the same in writing, over their proper signatures, to one of the Commissioners of Election for Mendocino County, on or before the second Monday in April, one thousand eight hundred and fifty-nine. County-seat.

SEC. 17. Said Commissioners of Election shall cause to be posted, at each Precinct in the County, a notice of the selections made by the Commissioners for the location of the County-seat, at least ten days before the election; said notice shall plainly designate, by name or description, each site so selected; of the two sites so selected, the one receiving the highest number of votes shall be the legal County-seat of Mendocino County. Vote for location.

SEC. 18. The Commissioners for the location of the County-seat, shall, before entering upon the discharge of their duties, take an oath, before some officer authorized to administer oaths, that they are not personally interested in the location of the County-seat, that they will faithfully and impartially perform the duties required of them by this Act. Oath of Commissioners.

SEC. 19. The compensation of said Commissioners shall be six dollars per day, for the time necessarily required to make such selections, and traveling from and back to their residences, not to exceed twenty days, which shall be paid out of the first moneys received into the treasury of Mendocino County. Compensat'n

SEC. 20. If the Commissioners appointed for the location of the County-seat, under this Act, or a majority of them, shall fail to act, as authorized, then the place which shall receive the highest number of votes for County-seat, at the election to be held under this Act, shall be the County-seat of Mendocino County. In case of failure.

SEC. 21. For the purpose of adjusting the affairs of the two Counties upon just and equitable principles, John Short is hereby appointed a Commissioner on the part of Mendocino County, and John Hendly, on the part of Sonoma County; said Commissioners shall meet at Santa Rosa, on the fourth Monday in May, one thousand eight hundred and fifty-nine, and then and there make a thorough examination in the financial condition of Sonoma County, viz.: her property, funds, dues, and indebtedness, and make a fair, just, and equitable apportionment of the same, between the Counties of Sonoma and Mendocino; and for the purpose of carrying into effect any settlement that said Commission to adjust indebtedness

Commissioners shall make for and between the said two Counties, by virtue of this Act, the County Auditors of said Counties are hereby authorized and required to draw their warrants on their respective County Treasurers, in accordance with any order received by them, from the hands of said Commissioners. All orders from said Commissioners to the County Auditors of said Counties shall be in writing, and attested by some officer authorized to administer oaths.

Referee. SEC. 22. If the said Commissioners shall disagree upon any matter touching the adjustment of the affairs of the said Counties, they may refer such difference to the Judge of the Seventh Judicial District, or to any one upon whom they may mutually agree; and the decision of such referee shall bind them. Should the said Commissioners of Adjustment fail or refuse to act, as authorized by this Act, then the Board of Supervisors of the respective Counties shall each appoint a Commissioner to fill such vacancy.

Award. SEC. 23. If it shall appear to said Commissioners that Mendocino County is justly entitled to any portion of the revenue collected under the assessment-roll and poll-tax list of the year one thousand eight hundred and fifty-eight, they shall so award, declaring what amount, and the time and manner of its payment by Sonoma County to Mendocino County.

Compensat'n SEC. 24. Said Commissioners shall be allowed reasonable compensation, by their respective County authorities, for their services.

Repealing clause. SEC. 25. All laws, and parts of laws, in conflict with this Act, are hereby repealed, so far as the same are in conflict with the provisions of this Act.

CHAP. CIX.—*An Act amendatory of, and supplementary to, an Act entitled "An Act to provide for the Registration of Marriages, Births, Divorces, and Deaths, in California," approved April twenty-sixth, one thousand eight hundred and fifty-eight.*

[Approved March 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Registrar to keep record. SECTION 1. That the Governor of the State be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, a State Registrar, who shall hold his office at the capital of the State, for the term of two years, or until his successor is qualified, who shall give bond in the sum of four thousand dollars for the faithful performance of his duties, which are defined as follows: He shall keep, in suitable books, and in a substantial style and manner, in a safe and secure place, a record of all marriages, births, divorces, and deaths, certified to him by the Recorders of the various Counties of this State, in the manner and form hereinafter provided; and he shall prepare

from said record an annual report containing such full tabular statements as shall render them of practical utility, and submit the same to the Governor on the fifteenth day of December, of each year, and he shall also perform whatever may be required of him to carry into practical effect the provisions of this Act.

SEC. 2. It shall be the duty of all persons performing the ceremony of marriage, to file in the office of the Recorder of the County in which such marriage takes place, a certificate of the same, setting forth the date, locality, name, surname, age, and color of the parties when the record was made, together with the name, place of residence, and official station of the person performing the marriage ceremony, and it shall be the duty of all parents and heads of families, Keepers and Superintendents of prisons, alms-houses, hospitals, houses of correction, and other public and private institutions, and the commanding officer of every ship or other vessel, to file in like manner in the office of the Recorder of the County wherein such birth occurs, a record of every birth taking place in their families, or the institution or vessel under their charge or supervision, according to the following form: Entries of the date and locality of the same; the name, (if any be given,) sex, and color of the child; the name, nativity, color, and residence of the parents, and date of the record. It shall be the duty of the Clerks of all Courts wherein a divorce is granted, to file in the office of the Recorder of the County in which the said divorce occurs, the following record of the same: Entries of the date of the decree of divorce; christian, surname, and residence, of the parties to the same; title of the Court granting the divorce; the name of the party making the application for the same; the grounds upon which said divorce was granted, and the date when the record was made. And the said Clerks, for making such entry and filing the same, shall be entitled to receive from the party procuring the divorce, the sum of two dollars for performing such service. And it shall further be the duty of every Superintendent of a cemetery, Sexton, or Undertaker, or any person having charge of a burial, and all Coroners or other officers holding inquests, to file in the office of the Recorder of the County wherein such burial or inquest occurs, a record of the same, according to the following form: Entries of the date of the decease, sex, age, and color of the deceased; whether single or married, with the nativity, disease, or cause of death, place of interment, and date when the record was made, with any additional facts that may be of efficiency and value in such cases. And it shall further be the duty of the Clerk of every Court of Probate, in which letters testamentary or of administration may be granted, to file in the office of the Recorder of the County wherein such Court may be held, the names and residence of all executors and administrators upon the estates of deceased parties, with the title of the Court and the date when such letters testamentary or of administration were issued, and he shall be entitled to tax with the costs of the issuing said letters, and receive from said estates, the sum of two dollars for performing such service.

SEC. 3. Every person, in filing a record of a marriage, birth,

Fees for
recording.

Penalty for
neglect.

divorce, or death, or of executors or administrators upon estates of deceased parties, in accordance with the provisions of this Act, shall pay to the Recorder of the County wherever such record is made, the sum of one dollar; and every person amenable to the same, who shall neglect to comply with the provisions of this Act requiring such record, within one month from the time of such marriage, birth, divorce, death, or granting of letters testamentary or of administration, as aforesaid, shall, on conviction thereof, be subject to a fine of not less than ten nor more than one hundred dollars, one-half of which shall be paid into the treasury of the County wherein such conviction occurs, for the use of said County, and the other half to the person giving information of such neglect. And it shall be the duty of the District-Attorney of the County wherein such case occurs, upon information of such neglect, to prosecute the same to conviction.

County
Recorders.

SEC. 4. Every County Recorder is hereby required to enter, in suitable books of record, to be provided by him and preserved in his office, every registry of a marriage, birth, divorce, death, or of executors or administrators filed with him as aforesaid, in accordance with the provisions of this Act, for which he shall receive the sum of one dollar, one-half of which he shall retain as his own fee, paying the remainder, at the end of each and every month, into the treasury of his County, for the use and benefit of the State Registrar. He shall, also, at the close of each and every month, certify and sign, upon the face of the record, that the registrations for that period are correctly made up at the end of every three months. He shall regularly transmit a duplicate of all registrations made in his office, attested by his certificate and official seal, to the State Registrar, for record in his office.

County
Treasurers.

SEC. 5. It shall be the duty of every County Treasurer to keep a correct account of all moneys paid into his hands by the County Recorders, on account of registrations, as herein before provided for, and to pay over the same, at the end of each month, to the order of the State Registrar, reserving his legal per centage for the collection and charge of the same.

Repealing
clause.

SEC. 6. This Act shall take effect from and after its passage; and all other Acts, or parts of Acts, in anywise conflicting with the same, are hereby repealed.

CHAP. CX.—An Act concerning Agricultural Societies.

[Approved March 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Seven persons may
form a
society.

SECTION 1. Any seven or more persons may form an association for agricultural purposes, and when so formed, shall be known and designated by the name of ——— Agricultural So-

ciety, and by such name and style shall have perpetual succession, and shall have power and authority to contract, and be contracted with; to sue, and be sued, in all Courts; to have, and use, a common seal, and to alter the same at pleasure; to make, ordain, and establish, and put in execution, such by-laws, ordinances, rules, and regulations, as shall be necessary for the good government of such Society, and the management of its affairs; *Provided*, that said by-laws, ordinances, rules, and regulations, shall not be contrary to any provisions of this charter, or the Constitution of this State, or of the United States.

SEC. 2. In addition to the powers above enumerated, the Society shall, by its name, have power to purchase, hold, and lease, any quantity of land, not exceeding in the aggregate one hundred and sixty acres, with such buildings and improvements as may be erected thereon, and may sell, lease, and dispose of the same, at pleasure. The said real estate shall be held by such Society, for the purpose of erecting buildings and other improvements calculated to promote and encourage the interests of agriculture, horticulture, mechanics, manufactures, stock-raising, and general domestic industry. May purchase land.

SEC. 3. The officers of such Society shall consist of a President, two Vice-Presidents, a Secretary, a Treasurer, and two Directors, all of whom shall be members of such Society at the time of their election, and shall have the management of the fiscal, prudential, and other concerns, of such society, and shall be styled the Board of Managers. The said officers shall be elected, annually, by the members of the Society, at such time, and in such manner, as in their constitution and by-laws they may prescribe, and shall hold their offices for the term of one year, and until their successors enter upon their duties. Officers.

SEC. 4. Such Society may provide, by its constitution and by-laws, for memberships of such Society, and fix the prices of such membership, and terms of duration thereof. Membership.

SEC. 5. No Society organized under the provisions of this Act shall contract any debts or liabilities to exceed the amount of money in the treasury at the time such debt or liability shall have been contracted, except as provided in the next section. Liability.

SEC. 6. Such Society may, by the unanimous vote of the Board of Managers, for the purpose of purchasing and leasing property, as provided for by the second section of this Act, create debts or liabilities, not to exceed the sum of one thousand dollars, and in case of any excess being incurred, the said Board of Managers shall, in their individual and private capacities, be held jointly liable to such Society for the amount of such excess; *Provided*, that any member of said Board, who shall have been absent, or caused his dissent therefrom at the time, to be entered on the minutes, shall not be so held liable. Limitation.

SEC. 7. Within three months after the organization of such Society, the Board of Managers thereof shall cause to be filed in the office of the County Clerk of the County in which such Society is organized, a certificate stating the name of the Society, the purposes for which it was organized, the date of its organization, and the name of its officers, which certificate shall be signed by the President and Secretary of said Society; a Certificate of incorporat'n.

*Amended
Apr. 17 1875
Attest B. W. S. M.*

copy of such certificate, filed as aforesaid, and certified by the County Clerk, shall be received in all Courts, and places, as presumptive evidence of the matters therein stated.

Can not be
sued.

SEC. 8. It shall not be lawful for any person to sue such Society for the failure to award any premium, or premiums, or for a failure to pay the same when awarded.

CHAP. CXI.—*An Act to change the Names of certain Persons therein named.*

[Became a Law by operation of the Constitution, March 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Change of
names.

SECTION 1. That the names of Dr. John Frederick Hillerscheidt, of Nevada County, in this State, and of his wife Hortense, his son Frederick, and his daughters, Anna, Bertha, and Ida, be, and they are hereby, changed to the names, respectively, of John Frederick Hiller, Hortense Hiller, Frederick Hiller, Anna Hiller, Bertha Hiller, and Ida Hiller.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twelfth day of March, one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CXII.—*An Act to change the Name of John August Stromdohl to August William Stromdohl.*

[Became a Law by operation of the Constitution, March 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Change of
name.

SECTION 1. The name of the person heretofore known as John August Stromdohl, is hereby changed to that of August William Stromdohl.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twelfth day of March, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CXIII.—*An Act to extend the Time for levying Taxes in the County of Contra Costa.*

[Approved March 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the County of Contra Costa are hereby authorized and empowered to levy and assess the State and County taxes in said County, at any time before the first Monday in May, one thousand eight hundred and fifty-nine. Extension of time.

CHAP. CXIV.—*An Act to amend an Act entitled an Act to amend an Act entitled an Act to Fund the Debt of the County of San Diego, and to provide for the payment of the same, approved May fourth, eighteen hundred and fifty-five, approved February fourteenth, eighteen hundred and fifty-six.*

[Approved March 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The third section of said Act is hereby amended so as to read as follows :

Section third—Any person holding true and lawful warrants against the County of San Diego, as provided in the second section of this Act, shall have the privilege of receiving in exchange therefor, ten per cent. bonds, as provided for in the first section of this Act, and the Treasurer is hereby authorized and directed to issue said bonds to the persons holding said warrants, at the rate of one hundred cents for each dollar of principal and interest accrued on said warrants, on the first day of April, A. D. one thousand eight hundred and fifty-nine; *Provided*, that said warrants be presented at the County Treasurer's office within twelve months after the said first day of April, A. D. one thousand eight hundred and fifty-nine. Warrants to be funded.

CHAP. CXV.—*An Act to amend an Act concerning Notaries Public, approved April thirtieth, eighteen hundred and fifty-seven.*

[Approved March 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section first of said Act is hereby amended so as to read as follows :

Notaries.

Section one—The Governor shall have power to appoint and commission, twenty Notaries Public for the County of San Francisco; and for the Counties of Nevada, Sierra, and Tuolumne, thirteen Notaries Public; and ten Notaries Public for each of the Counties of El Dorado, Placer, Butte, Calaveras, and Tuolumne; and for the County of San Joaquin, twelve; in the County of Mariposa, eight; and for the County of Santa Clara, eight, two of whom shall reside in Santa Clara Township, and one in Gilroy Township; and for the Counties of Napa, Sonoma, Amador, and Los Angeles, eight; for the County of Sacramento, fourteen; for the County of Yuba, twelve; for the County of Solano, six; and five for each of the other Counties of this State, who shall hold office for the term of two years, and until their successors are appointed and qualified; *Provided*, this Act shall not be construed to affect Notaries Public holding appointments under the Act of which this is amendatory.

CHAP. CXVI.—*An Act authorizing and empowering the Board of Supervisors in and for the County of Butte to levy a special tax, on all taxable property in said County, for Contingent purposes.*

[Approved March 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Special tax.

SECTION 1. The Board of Supervisors, in and for Butte County, are hereby authorized and empowered to levy a tax, within thirty days after the passage of this Act, for the current year, eighteen hundred and fifty-nine, and each fiscal year thereafter, as other taxes are provided for, on all taxable property in said County, of not exceeding twenty-five cents on each one hundred dollars worth of real and personal property.

Contingent Fund.

SEC. 2. The special tax so levied by said Board of Supervisors, shall be designated and known as the "special tax," and shall be collected in the same manner as other taxes for State and County purposes, and collected in said County, and when collected shall be paid into the hands of the County Treasurer of said County, and shall be by him placed in a Fund to be desig-

nated as the "Contingent Fund," and kept separate from all other Funds.

SEC. 3. The said Board of Supervisors shall draw upon said ^{Uses.} Contingent Fund for the payment of all contingent expenses of said County liable to be paid in cash; *Provided*, that no part of said funds thus raised shall be used for road purposes, or any fees or salaries of officers of said Butte County.

SEC. 4. The said Board of Supervisors, whenever any greater ^{In case of surplus.} amount exists in said Contingent Fund than is necessary for the payment of contingent expenses of said County for the current year, may cause the said excessive amount to be placed in the General Fund of said County.

CHAP. CXVII.—*An Act to Incorporate the City of San José.*

[Approved March 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All that tract of land now called the City of San ^{Boundaries.} José, situate in the County of Santa Clara, and lying within the following limits and bounds, that is to say : Beginning on the centre line of Second street, at a point one mile and a half southeasterly from its intersection with the centre line of San Fernando street ; thence running in a straight line parallel with San Fernando street, to the eastern bank of the Coyote Creek ; thence down said Creek, along its eastern bank, to its intersection with a line drawn through the centre of Rosa street ; thence along said line in a straight course to a point forty rods southwesterly from the west bank of the river Guadalupe ; thence in a straight line to a point in the centre line of San Fernando street, produced forty rods southwesterly from said west bank ; thence in a straight line to such a point southwesterly from said west bank, that a line drawn from it to the place of beginning shall be parallel with San Fernando street ; thence along said line to the place of beginning—shall henceforth be known as the City of San José.

SEC. 2. The government of said City shall be vested in a ^{Officers.} Mayor, and Common Council, to consist of five members, a City Marshal, and City Assessor. The said Mayor and Councilmen shall be a body politic and corporate, by the name and style of "The Mayor and Common Council of the City of San José," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued in all Courts, and in all actions, whatsoever ; may have and use a common seal, and alter the same at pleasure ; and may provide for the use and regulation of all the commons and property of the City, by lease or otherwise.

SEC. 3. The said Mayor and Councilmen, Marshal, and As- ^{Election.} sessor, shall be elected by the qualified voters of the City on the

second Monday of April, A. D. one thousand eight hundred and fifty-nine, and their successors on the second Monday of April of each and every succeeding year, at a charter election to be held for that purpose, by the legal voters resident of said City, and they shall hold their offices for one year, and until their successors are elected and qualified.

Manner of
conducting
election.

SEC. 4. For the first election held to fill the offices created by this Act, the present Board of Trustees of the City of San José shall appoint one Inspector, and two Judges of Election, who, together with two Clerks to be appointed by them, shall take the oath of office prescribed by law for Inspectors and Judges of State and County elections, (the said election to be held at the City-Hall,) declare the polls to be open, proceed to receive votes, and declare the result. No person shall be entitled to vote, nor to hold any office by this Act created, unless he shall be a qualified elector under the laws of the State. The persons having a plurality of all the votes cast shall be declared elected. At all subsequent elections, the Common Council shall designate the officers of election, and the compensation of each shall not exceed three dollars per day; and all returns of City elections shall be made out and signed by said officers of election, and filed with City Clerk. The polls for all City elections shall be opened at eight o'clock, A. M., and continue open until six o'clock, P. M., of the same day. In case any of the officers so designated shall fail to attend, those attending shall fill their places by other competent voters.

Treasurer
and Clerk.

SEC. 5. The Mayor and Common Council shall, on the first Monday after their election, meet for the transaction of business, and shall then select some suitable person as City Treasurer, and also as City Clerk, and shall thereafter meet on the first Monday of each succeeding month for the transaction of City affairs.

In case of
vacancy.

SEC. 6. If, at any time, either or any of the officers created by this Act shall, by sickness, absence, or otherwise, be unable to perform the duties of his office for a longer period than three months at any one time, his office shall be deemed vacant.

SEC. 7. If any such vacancy shall occur in the office of Mayor, Councilman, Marshal, or Assessor, at any time three months previous to the regular election, the same shall be filled by a special election, to be called by the Common Council for that purpose, by giving ten days notice thereof. Should such vacancy occur less than three months previous to any regular election, the same shall be filled by the Common Council. All other vacancies shall be filled by the Common Council.

Duty of
Mayor.

SEC. 8. The Mayor shall preside at all the meetings of the Common Council, but shall be entitled to no vote, unless in case of a tie. He shall communicate to the Common Council all such information as he possesses, and make such recommendations in regard to the affairs of the City as he may deem expedient, at such meetings, and he shall make out and publish in some newspaper printed in said City, a semi-annual report and statement on the first Mondays of September and March of each year, of the receipts and expenditures of the preceding months, specifying upon what account each expenditure and receipt was made

and had, and embodying, also, his views and recommendations of the City affairs.

SEC. 9. The Mayor shall *ex officio* be a Justice of the Peace within and for the Township of San José, in said County of Santa Clara, and he shall have the like power and jurisdiction as is conferred by law upon Justices of the Peace, both in criminal and civil cases, and may issue all such writs and process, as such Mayor, as a Justice of the Peace may lawfully do, subject to all the rules, and with the same fees, as provided by law for Justices of the Peace. The Mayor shall also have jurisdiction in all cases of violations of City ordinances, and may hold to bail, fine, or commit to prison, persons found guilty of any violations thereof, and according to the provisions of such ordinances.

SEC. 10. The Common Council shall pass such ordinances, from time to time, as they may deem expedient for the regulation of the municipal affairs of the City of San José, and for that purpose shall have power to make provisions for paying, or in any manner liquidating, the indebtedness of the City, in accordance with the provisions of this Act, and such laws as are now in force providing for the funding of the indebtedness of said City; to fix the amount of penalty on the bonds of the several City officers, and such bonds shall be made payable to the Mayor and Common Council of the City of San José; *Provided*, the penalty on any bond shall not be less than double the amount of money presumed to be in his or their hands at any one time; to prevent and remove nuisances within the limits of the City; to license, regulate, and restrain, theatrical and other amusements within the City; to license all and every kind of business authorized by law, and transacted or carried on in said City, and to fix the rate of license-tax upon all such business, which shall not exceed the amount fixed by law for State and County purposes, with fifty per cent. added thereto; *Provided*, that in the business of selling intoxicating liquors in less quantity than one quart, they may impose any amount in their discretion; and on any other business not provided for by law, the amount of license shall be fixed at their discretion, for the interests of the City; to establish and regulate markets; to purchase, hold, and maintain, fire-engines and implements for the prevention and suppression of fires; to construct wells and cisterns, and keep the same in repair; to organize and maintain fire departments, and supply the City with water; to lay out, alter, widen, open, improve, and cleanse the streets, alleys, and public places; to use, occupy, and repair, any property of the City; to impose and appropriate fines, penalties, and forfeitures, for breaches of City ordinances; to levy and collect taxes upon all the taxable property within the City, which taxes for City purposes shall not exceed the sum of one-half of one per cent. on the assessed value of the real and personal property in said City, as adjusted by them; to pass such other ordinances and by-laws, for the regulation of the police and government of the City, as they shall deem necessary—all of which ordinances shall be published in such manner as shall be prescribed by the Common Council.

SEC. 11. Every ordinance passed by the Common Council, in Ordinances.

order to possess legal force, shall receive a majority vote of the members present, and the approval of the Mayor; or, if he shall refuse to approve the same, to render such ordinance valid it shall require the votes of four of the Councilmen.

Prohibition. SEC. 12. The Common Council shall have no power to create any debt, upon the credit of the City, nor to make any expenditure for improvements except as provided for in this Act, nor shall any warrant be drawn on the City Treasury, unless there shall be sufficient moneys to meet the same, after paying the expenses of the Government, and all other demands legally due.

Presentation of claims. SEC. 13. All demands that shall lawfully arise against the City, in order to be entitled to payment, shall, after being verified by the oath of the claimant, be presented to, and allowed for such amount as shall be just by, the Common Council, and shall be signed by the Mayor, and countersigned by the Clerk, and the same, after being so allowed, shall, on presentation to the City Treasurer, be paid as hereinafter provided, out of any Fund upon which such warrant shall be drawn.

To levy special tax. SEC. 14. At each regular meeting of the Common Council, they shall inquire into the condition of the streets, bridges, school-houses, fire department, and all property belonging to the City, and if it shall appear that the interests of the City demand an expenditure of more money than there is in the treasury; appropriated for such purpose, or to recover possession of any real estate or property of said City, they shall make a report of the same, to be published in some newspaper in the City, particularly specifying the object, or objects, for which the expenditure is required, and the amount of money necessary to be raised by tax to meet the same, and immediately thereafter the said Council shall call an election, giving ten days notice thereof, at which the persons who are legal voters, and tax-payers, of said City, may vote for or against a tax to meet the proposed expenditures. The voting shall be by ballot, and a majority vote shall determine if such tax shall be levied or not. The Common Council shall examine and declare the result, and if the vote is in favor of levying the tax, the Common Council shall forthwith order the tax, or taxes, to be levied and collected, upon the basis of the last assessment, and shall make the proposed expenditure; *Provided*, that the special tax thus levied, shall, for no one year, exceed more than one-half of one per cent. on the valuation of property, as shown by the last assessment-roll, and shall be levied and collected as provided by law for the levy and collection of State and County taxes; *Provided, further*, that no special tax for any one year shall exceed the amount of three thousand dollars.

Improvements SEC. 15. If, at any time, the owners of two-thirds of the real estate fronting on any street, counting from one cross-street to the next cross-street, shall petition the Common Council for the privilege of constructing, repairing, grading, or paving the sidewalks or streets, then it shall be the duty of the Common Council to cause an immediate survey of the proposed improvements to be made by some competent surveyor, giving the proper grade, also the amount of excavation or filling, in the front of each person's real estate, to the middle of the street, or if the

improvement only extends to the sidewalks, then the surveyor shall give the amount of excavation or filling of said sidewalks, with an assessment of the cost of such improvement, to each of said persons, which assessment shall constitute a lien on the real estate fronting which is the proposed improvement; *Provided*, it shall be the privilege of each and every owner of said real estate to make their improvements in accordance with the specifications made by the ordinance for that purpose, and should said owner or owners fail to make their improvements within the time specified in said ordinance, then it shall be the duty of the Marshal forthwith to let out all that remains unfinished at the expiration of the time fixed for doing the same, and if the owner or occupant shall fail, or neglect, or refuse, to pay for such improvements, as soon as completed, it shall be the duty of the Marshal, by order of the Common Council, to institute suit for the recovery of the same, and the judgment rendered thereon shall constitute a lien upon said real estate, which may be sold under execution; *Provided, further*, the cost of the survey and assessment of said improvements shall be paid by the City.

Sec. 16. The Mayor and Common Council shall succeed to all the rights, titles, interests, possessions, credits, and immunities, liabilities, debts, and obligations in law or in equity, that shall be enjoyed, or owed, by the Board of Trustees of the City of San José at the time of the taking effect of this Act, or of the government of said City since its first incorporation, with its rights, incidents, and liabilities. The said Common Council may purchase, hold, and receive property, real and personal, within said City, necessary for public purposes, and may lease the same for a term not exceeding ten years, for the benefit of the City. They may impose fines and imprisonment for any breach or violation of any City ordinance, but no fine shall be imposed for a greater amount than one hundred dollars, nor more than thirty days imprisonment for any one offence, or sixty days labor on the streets or property of the City, which labor said Council shall have power and authority to impose, on failure to pay the fine.

Council may purchase property.

Sec. 17. At the first meeting of the Common Council, after the charter election, they shall select some suitable person as City Clerk, who, before entering on the duties of his office, shall take the oath of office, and give bond in the sum of five thousand dollars, conditioned for the faithful discharge of the duties of his office, and whose duty it shall be to keep a true record of all business transacted by the Common Council; to grant certificates of license, on the presentation of receipts, signed by the Marshal, stating that the license-tax, imposed by ordinance on the business of the applicant, has been paid to him; and shall keep a true list of all such licenses granted by him, and the amount of moneys received by the Marshal as shown by such receipts; to apportion the taxes upon the assessment; and to make out and deliver to the Marshal a tax-list, in the usual form, as soon as practicable after the Common Council, as a Board of Equalization, have equalized the assessment; and to perform such other duties as may be prescribed by ordinance, or required by

Duty of City Clerk.

said Council; and for his services as Clerk, he shall receive a salary of two hundred and fifty dollars a year, payable quarterly.

Treasurer.

SEC. 18. At the same time as the selection of a Clerk, the Common Council shall also select some suitable person as a City Treasurer, who shall take the oath of office, and give bond as prescribed by ordinance, and whose duty it shall be to receive and safely keep all moneys that shall come to his hands as City Treasurer, and pay out the same on the order of the Mayor, countersigned by the Clerk, and take receipts therefor, and to perform such other duties as shall be required of him by said Council; and for his compensation, said Treasurer shall be allowed a commission of two per cent. on all moneys paid into the City treasury, which he may retain in his hands, but no allowance shall be made him for money paid out as such Treasurer; and the Treasurer shall make out a quarterly statement of his receipts and payments, and file the same with the City Clerk.

Marshal.

SEC. 19. It shall be the duty of the City Marshal, in addition to any duties required of him by the Common Council, and he is hereby authorized, to execute and return all process issued by the Mayor, or directed to him by any legal authority, and to attend upon the Mayor's Court regularly; to enforce all ordinances passed by the Council, and arrest all persons guilty of a violation of the same; to prosecute before the Mayor for all breaches or violations of City ordinances; to collect all the license-taxes that shall at any time be due the said City, and to receipt for the same; to receive the tax-list, and, upon receipt thereof, to proceed and collect the same, at the same time and manner as is prescribed for the collection of State and County taxes; the said Marshal being hereby vested with the same powers to make collections of taxes, by the sale and conveyance of real estate, as is, or shall be, conferred upon Collectors or Sheriffs for the collection of State and County taxes, and it shall be the duty of said Marshal to collect, in the same manner, any tax-list placed in his hands for that purpose, without any unnecessary delay, and pay all taxes and licenses to the Treasurer, monthly, and take his receipts therefor, retaining his per centage therefor, which shall not exceed two and one-half per cent. The City Marshal shall also be invested with all the powers conferred by law upon Constables, and shall receive the like fees for his services, to be paid in like manner. He may also, with the consent of the Common Council, appoint one or more Deputies.

Assessor.

SEC. 20. It shall be the duty of the City Assessor, in addition to any duties required of him by the Common Council, between the first day of May and the first day of August of each year, to make out a true list of all taxable property within the limits of said City, which list, certified by him, shall be placed in the hands of the Common Council for equalization; the mode of making out such list and ascertaining the value of property, shall be the same as that prescribed by law, for assessing State and County taxes; and the Assessor shall receive for his services the sum of two hundred and fifty dollars per annum.

Mayor.

SEC. 21. It shall be the duty of the Mayor, and he is hereby

authorized and required, to take cognizance of all offences against the laws of the State, and of all breaches of City ordinances, and execute the same; and he shall be entitled to receive the same fees as are allowed Justices of the Peace by law for like services. He shall also sign all warrants ordered to be issued by the Common Council, and shall hold his Court in the City-Hall of said City; and he shall also hear and report to the Common Council all complaints preferred against any City officer for violation or neglect of duty, who, if they find the complaint to be true, shall have the power to declare the office of the person so complained of to be vacant, and to fill the same.

SEC. 22. The Mayor and members of the Common Council shall receive no compensation for their services, (except as is in this Act allowed to the Mayor,) neither shall they, or either of them, be interested, directly or indirectly, during their term of office, in any contract, sale, lease, or agreement with the City, and no further allowance shall be made to any City officer, for any services whatever, than is provided for in this Act. Officers not to be interested in contracts.

SEC. 23. All City officers, whether elected by the people, or by the Common Council, shall, before entering upon the duties of their office, take the oath of office, as prescribed by law. The Marshal, Treasurer, Assessor, and Clerk, shall each, before entering upon the duties of his office, also give a bond, with sureties, to be approved by the Mayor, payable to the Mayor and Common Council of the City of San José, in such penalty as may be prescribed by ordinance, conditioned for the faithful performance of the duties of his office, as required by law, and the ordinances and regulations passed and approved by the Mayor and Common Council of the said City of San José. Should the bond of any City officer become insufficient, he shall be required to give such additional security as the Common Council may require, and upon his failure to do so, at the time fixed, his office shall be declared vacant, and a new election ordered, or the vacancy be filled by appointment, as herein before specified. Oaths and bonds.

SEC. 24. The official bond of every officer named in this Act, except the bond of the Clerk, shall be filed in the office of the Clerk of the Common Council; the official bond of the Clerk shall be filed with the Treasurer. Bonds to be filed.

SEC. 25. The Common Council, or a Committee of their number appointed for that purpose, shall constitute a Board of Equalization, and shall, as soon as the Assessor shall have completed and handed in his assessment, and after ten days' notice, hold their meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor, and shall have power to modify and change such valuation in any way they or a majority of them shall deem just and proper. Said meetings shall be held for one week, and no longer. Board of Equalization

SEC. 26. No bill, demand, or warrant, shall be paid out of the City treasury, unless it be allowed by the Common Council, signed by the Mayor, and countersigned by the Clerk, and shall specify out of what fund, or appropriation, the same shall be paid. Treasury.

SEC. 27. The Common Council may raise, annually, by taxation upon the real and personal property within said City, as Tax for fire department.

estimated in the last preceding assessment-roll, a tax, not to exceed one-tenth of one per cent., for the support of the fire department of said City.

Taxes: SEC. 28. The taxes and licenses, herein authorized to be collected, shall be collected in the legal currency of the State, and except the tax for the support of the fire department, and common schools, shall be appropriated as follows:

Interest Fund. *First*—An amount sufficient to pay the annual and semi-annual interest on the funded debt of said City, shall first be set apart and appropriated from the first moneys coming into the treasury; also, the sum of four thousand dollars, as a Sinking Fund for the payment of the debts of the City.

General Fund. *Second*—For the payment of the current expense of the City Government, to be called the "General Fund."

Sinking Fund. *Third*—The balance remaining unexpended in the City treasury at the end of the fiscal year as fixed by the Common Council, shall be appropriated as a Sinking Fund for the payment of the funded debts of the City, in accordance with such laws now in force, or that may hereafter be enacted, concerning the same.

Former ordinances. SEC. 29. Until the Common Council shall pass such ordinances as required by this Act, the ordinances heretofore passed by the Board of Trustees of said City, and now in force, shall have the same effect, and be as binding, legal, and effectual, as if passed by the Mayor and Common Council of said City, under this Act, and the same shall be enforced by the City officers elected under this Act, until the same shall be changed.

Fines. SEC. 30. All fines imposed by any Justice of the Peace, and collected for any breach of the peace, within the limits of the City, shall be paid into the City treasury, for the use and benefit of the City.

Repealing clause. SEC. 31. That portion of the Act of the General Assembly of the State entitled "An Act concerning offices," passed April twenty-eighth, one thousand eight hundred and fifty-one, requiring that for each of the incorporated Cities of the State, two Justices of Peace, and one Constable for each such Justice of the Peace, should be elected, so far as the same shall, or may, apply to the City of San José, is hereby repealed; and, hereafter, there shall be no City Justice of the Peace, or City Constable.

Special meetings. SEC. 32. The Mayor, whenever he shall deem the same necessary, may call special meetings of the Common Council; and all meetings of the Council, and the offices of Mayor, Marshal, Assessor, and City Clerk, shall be in the City-Hall.

Failure to qualify. SEC. 33. Should any of the officers herein mentioned fail to qualify and give the bond required, for the period of ten days after their election, the office shall be deemed vacant, and the same shall be filled as provided for in section seven of this Act.

Police Fund. SEC. 34. All fines collected under the provisions of this Act, shall be paid into the City treasury, and the same shall constitute a Special Fund to be called the "Police Fund," and shall or may be appropriated by the Common Council, for the payment of the fees of the Mayor and Marshal, and it is hereby expressly provided that no demand shall be allowed or warrant drawn on any other than the Police Fund, for the payment of the fees of the said Mayor and Marshal.

SEC. 35. The Act entitled "An Act to re-incorporate the City of San José, approved March twenty-seventh, one thousand eight hundred and fifty-seven," and the Act entitled "An Act amendatory and supplementary to an Act entitled an Act to re-incorporate the City of San José, approved March twenty-seventh, one thousand eight hundred and fifty-seven, approved April fifteenth, one thousand eight hundred and fifty-eight," and all Acts, and parts of Acts, amendatory thereof and conflicting with the provisions of this Act, are hereby repealed; *Provided*, said repeal shall take effect from and after the second Monday in April, one thousand eight hundred and fifty-nine, at which time this Act shall take effect and be in force. Repealing clause.

SEC. 36. It is hereby made the duty of the present Board of Trustees of the City of San José, as soon as practicable after the passage of this Act, to call a special election, giving five days previous notice thereof, at which election this charter shall be submitted to the legal voters of said City, and should a majority of said voters vote in favor of the adoption of this charter, then the same is hereby declared, and shall be, the charter of said City, and the same shall take effect and be in force from and after the second Monday in April, A. D. one thousand eight hundred and fifty-nine, otherwise the same shall be null and void. Special election.

CHAP. CXVIII.—*An Act supplemental to an Act approved February eighteenth, eighteen hundred and fifty-nine, entitled an Act amendatory of, and supplemental to, an Act entitled an Act to provide for the location and sale of the unsold portion of the Five Hundred Thousand Acres of Land granted to this State for School purposes, and the Seventy-two Sections donated to this State for the use of a Seminary of Learning, approved April twenty-third, A. D. eighteen hundred and fifty-eight.*

[Approved March 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section one—Section nine of said Act is hereby amended so as to read as follows: *Section nine*—It shall be the duty of the Board of Examiners, created by an Act approved April twenty-first, A. D. eighteen hundred and fifty-eight, entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," whenever it shall appear to said Board that the Treasurer of the State has received into the treasury the sum of ten thousand dollars or upwards, paid in as purchase-money for land under the provisions of this Act, and as often thereafter as the like sum shall have been paid in as aforesaid, to purchase bonds of the Civil Funded Debt of the State, issued since the first day Duty of Board of Examiners.

Advertisee for
proposals to
surrender
bonds.

of January, A. D. eighteen hundred and fifty eight, to the amount said money paid in as aforesaid will purchase, at the lowest price at which they may be purchased, after advertising for two weeks in one daily newspaper published in the City of San Francisco, and one in the City of Sacramento, for sealed proposals for the sale of said bonds. The said Board shall open said proposals at the time and place specified in said publication, in the presence of the Treasurer and Controller of State, and accept only of such proposals as offer bonds at the greatest discount to the amount of funds in the treasury, paid in as purchase-money for school lands, will purchase. Said Board shall audit the amount due said bidders for his or their bonds, which amount shall be certified to the Controller of State by said Board: the Controller shall then draw his warrant on the Treasurer for the amount audited by said Board, and said Board of Examiners shall deliver said warrants to the persons in whose favor they are drawn, and the bonds so purchased shall be delivered to the State Treasurer, who shall keep said bonds as a special deposit in his custody, marked "School Fund," to the credit of said School Fund; *Provided, however,* that no bonds shall be purchased at more than par value. All interest paid into the treasury under the provisions of this Act, shall be subject to the order of the State Board of Education.

CHAP. CXIX.—*An Act to authorize the Board of Supervisors of Siskiyou County to transfer certain Funds.*

[Approved March 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Transfer
funds.

SECTION 1. The Board of Supervisors of Siskiyou County are hereby authorized and empowered to transfer all moneys in the treasury of said County belonging to the Interest and Sinking Funds, arising from revenue for the year one thousand eight hundred and fifty-eight, and which have been, or shall be, collected and paid into the treasury after the first day of January, one thousand eight hundred and fifty-nine; *Provided,* the same shall not exceed the sum of four thousand six hundred dollars.

CHAP. CXX.—*An Act authorizing and empowering the County Clerk of Butte County to transcribe certain Records, and to legalize the same.*

[Approved March 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Clerk of Butte County is hereby authorized and required, as soon as the same can conveniently be done, to transcribe into such books, and in such manner, as is prescribed by section two hundred and five of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of of Justice of this State," passed April twenty-ninth, eighteen hundred and fifty-one, the entries of judgments, and the satisfaction thereof contained in the following books of records kept in his office, namely: The books known as the "Judgment Docket A, of the District Court of the Fifteenth Judicial District, Butte County;" also, the book known as the "Judgment Docket A, of the County Court, Butte County."

Clerk authorized to transcribe records.

SEC. 2. The books of records, and each of the entries therein made, as directed by section one of this Act, shall have the same force and effect as the original records transcribed therein may have had, and copies of any of the records or entries transcribed as provided in this Act, shall have the same force and effect as copies of the original records or entries may have had.

Legal effect.

SEC. 3. For services rendered under this Act, the said County Clerk of Butte County shall be allowed fifteen cents per folio of one hundred words, and the same shall be paid out of the County treasury in the same manner as other demands against the said Butte County are paid.

Compensation.

SEC. 4. The original records shall be carefully preserved in the office of the Clerk of the Court to which said records respectively belong.

Originals.

CHAP. CXXI.—*An Act amendatory of an Act entitled an Act to amend an Act entitled an Act restricting the Herding of Sheep to certain Pastures, in the Counties of Sonoma and Marin, approved April fifteenth, eighteen hundred and fifty-eight.*

[Approved March 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one is hereby amended so as to read as follows :

Section one—It shall not be lawful for any person or persons owning or having charge of any sheep within the Counties of

Restricted to certain pastures.

Sonoma, Solano, Marin, San Mateo, Santa Clara, Sutter, Tulare, San Bernardino, Los Angeles, Contra Costa, Alameda, San Joaquin, Placer, Colusa, Stanislaus, Calaveras, Yolo, Sacramento, Humboldt, Monterey, Merced, San Luis Obispo, Mariposa, and Napa, to herd the same, or permit them to be herded, on the land or possessory claims of other than the land or possessory claims of the owners of such sheep.

CHAP. CXXII.—*An Act relating to the Sureties upon the Official Bond of Henry Bates, late State Treasurer.*

[Became a Law by operation of the Constitution, March 21, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Sureties
released.

SECTION 1. The sureties upon the official bond of Henry Bates, late State Treasurer, are hereby released and discharged from all demands on the part of the State of California, for or on account of said bond, or on account of any judgment recovered against them, or any of them, upon said official bond.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-first day of March, one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CXXIII.—*An Act fixing the time of holding the Courts of Sessions, and County Courts, in the County of Shasta, and to change the manner of Summoning Juries for the County Court of said County.*

[Approved March 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Court of
Sessions and
County
Court.

SECTION 1. The Court of Sessions, and the County Court, in and for the County of Shasta, shall hold a term on the first Monday of March, July, and November, of each year, and shall continue in session until the commencement of the next term, unless all the business of the County be sooner disposed of.

Order of
business.

SEC. 2. At said terms, the business pertaining to the Court of Sessions shall be first disposed of, and after that, the business of the County Court, in the order in which said Courts are named ; but this order shall be observed as a rule of precedence only, and after the business of one Court is disposed of, the business of the

other may be taken up, on the same day, in such order as the Court may determine.

SEC. 3. The County Judge may call and hold special terms of said Courts, whenever, in his opinion, the public interests require the same. Special terms.

SEC. 4. The records of each of the said Courts shall be kept separately, as required by law. Records.

SEC. 5. The trial-jury summoned for the Court of Sessions in said County shall be the trial-jury for the County Courts therein. Trial-jury.

SEC. 6. All Acts, and parts of Acts, in conflict with the provisions of this Act, so far as they relate to the County of Shasta, are hereby repealed. Repealing clause.

CHAP. CXXIV.—*An Act to amend an Act entitled "An Act to create the office of State-Printer, to define the duties and compensation thereof, and provide for the time and manner of election," approved May fifteenth, eighteen hundred and fifty-four.*

[Approved March 21, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of the Act of which this is amendatory is hereby amended so as to read as follows:

Section nine—There shall be printed, of the laws, resolutions, and memorials, of each session of the Legislature, one thousand five hundred copies in English, and of such laws and resolutions as may be designated [by] the Legislature for publication, three hundred copies in Spanish. Of the Journals of the Senate and Assembly there shall be printed five hundred copies, in one volume, or in two, as may be required by the size thereof; *Provided*, that all printing ordered under this Act shall be executed within the State of California. Laws and Journals.

SEC. 2. This Act shall take effect on the first day of January A. D. one thousand eight hundred and sixty. Take effect.

CHAP. CXXV.—*An Act to enable parties therein named to partition or sell Real Estate.*

[Approved March 21, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Nicholas Pacheco, Ines Pacheco, and Lorenzo Pacheco, children of Lorenzo Pacheco, deceased, and of Rafaela Soto de Pacheco, his wife, being minors, between the ages of fif- Minor heirs authorized to partition or sell real estate.

teen and twenty-one years, are hereby severally authorized and empowered to join in deeds of partition of any real estate belonging to them, or in which they may be interested, in joint-tenancy, or tenants-in-common, with other person or persons, and to sell and convey such real estate, and execute, acknowledge, and deliver their deed therefor, with the same force and effect in all respects whatsoever, as if they had arrived at the full age of majority, their disability from nonage being hereby removed; but no deed of partition, or conveyance of any such interest, or estate, so executed by them, shall be effectual to convey the estate of said minors, or either of them, until the same shall have been submitted to, and approved by, the District Judge of the District in which the lands so partitioned, or conveyed, are situated.

Approval of
District
Judge.

SEC. 2. Such approval shall be in writing, and subscribed by said District Judge; and it shall be the duty of the County Recorder, in recording said deed, also to record the approval by the said District Judge as parcel thereof; and such record shall impart notice to all persons as fully as is or may be prescribed by law in any other cases.

Guardian to
be appointed

SEC. 3. Prior to the approval of any sale made under the provisions of this Act, the Probate Judge of the County in which said property lies, shall appoint a special guardian to the minor heirs herein named, who shall cause the real estate aforesaid to be appraised by three disinterested householders of the County, which appraisement shall be filed with the Clerk of the Probate Court, and a duplicate thereof with the Clerk of the District Court of said County, and said District Judge shall not approve any sale made under the provisions of this Act for a less sum than the said appraised value. The said guardian shall give bond to said minors for the faithful execution of his trust under this Act, and also for the careful management and due application to the maintenance and education of said minors, so far as necessary, of any moneys that may come to his possession as such guardian; and for the final accounting and paying over to said persons of all moneys remaining in his hands, and to which they may be entitled.

CHAP. CXXVI.—*An Act to authorize the Executor of the Estate of Joshua W. Redman, deceased, to sell the Real Estate of said deceased at public or private sale.*

[Approved March 21, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized
to sell.

SECTION 1. The executor of the estate of Joshua W. Redman, deceased, is hereby authorized to sell the real estate of said deceased, or any part or portion thereof, or any right, title, or interest in real property, belonging to or claimed by said deceased in his lifetime, on such terms and in such manner, at public or private sale, as may be most advantageous to said estate.

Such sales shall be made under the order of the Probate Court of Santa Clara County, and shall not be definitive until reported to and approved by said Court; *Provided*, that ten days notice of the application for approval of such sales shall be given, by posting in three public places in the County aforesaid.

SEC. 2. After the approval of the sale by the Probate Court, said executor shall make to the purchasers a conveyance of the lands, rights, titles, or interest sold, which conveyance shall be valid and binding. Conveyance.

SEC. 3. If the Judge be satisfied that the price is disproportionate to the value of the property sold, and that a price can be obtained at least ten per cent. higher, he shall not approve or confirm the sale, but shall order a new sale of the property. In case of disapproval.

CHAP. CXXVII.—*An Act to confirm and legalize certain Assessment-Rolls of the City and County of San Francisco, and to provide for the collection of the Delinquent Taxes thereon.*

[Approved March 22, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The assessment-roll or tax-list of the City and County of San Francisco, for the fiscal year ending the thirtieth day of June, in the year eighteen hundred and fifty-seven, is hereby ratified, legalized, and confirmed, and the same is declared to be legal and binding as a good and valid tax-list or assessment-roll of said City and County, and the said tax-list or assessment-roll (or the duplicate thereof,) is hereby made and declared to be a sufficient warrant, in the hands of the present Tax-Collector, or his successors in office, to authorize him or them to collect and enforce the collection of such taxes therein assessed as remain unpaid at the passage of this Act, so long as any of said taxes shall remain unpaid. Tax-list of 1857 legalized.

SEC. 2. The tax-list or assessment-roll, as completed by the Acting Assessor of the City and County of San Francisco, for the fiscal year ending June thirtieth, in the year eighteen hundred and fifty-eight, and delivered to the Clerk of the Board of Supervisors, and corrected by the Board of Equalization, and delivered to the County Auditor, and by him delivered as corrected to the Tax-Collector of said City and County, and afterwards corrected according to the provisions of an Act entitled "An Act to confirm and legalize the tax-list or assessment-roll of the City and County of San Francisco. for the fiscal year ending the thirtieth day of June, in the year eighteen hundred and fifty-eight, and to provide for the collection of delinquent taxes thereon," approved January thirtieth, in the year eighteen hundred and fifty-eight, is hereby confirmed, and declared to be legal and binding as a good and valid tax-list or assessment-roll, and in all respects sufficient in law, as the duplicate assessment-list of said Tax-list of 1858 legalized.

City and County for the fiscal year ending June thirtieth, in the year eighteen hundred and fifty-eight, and the same is, and shall be, a full and sufficient warrant, in the hands of the Tax-Collector to authorize and empower him to collect the taxes therein assessed, so long as any of said taxes shall remain unpaid.

Tax-list
of 1859
legalized.

SEC. 3. The tax-list or assessment-roll, as completed by the Acting Assessor of the City and County of San Francisco, for the fiscal year ending June thirtieth, in the year eighteen hundred and fifty-nine, and delivered to the Clerk of the Board of Supervisors, and corrected by the Board of Equalization, and delivered to the County Auditor—a duplicate of which, as corrected, was delivered to the Tax-Collector of said City and County—is hereby confirmed, together with the said duplicate in the hands of said Tax-Collector, and declared to be legal and binding as a good and valid tax-list or assessment-roll, and the said duplicate shall be sufficient in law as the duplicate assessment-list of said City and County of San Francisco for the fiscal year ending June thirtieth, eighteen hundred and fifty-nine, and the same is, and shall be, a full and sufficient warrant, in the hands of said Tax-Collector, and his successors in office, to authorize and empower him and them to collect the taxes therein assessed, so long as any of said taxes shall remain unpaid.

Board of
Equalization

SEC. 4. The Board of Supervisors of said City and County of San Francisco shall meet as a Board of Equalization at the City-Hall, in said City and County, the last Monday of March, in the year eighteen hundred and fifty-nine, and shall hold sessions from day to day, twelve days, Sundays excepted.

The Tax-Collector shall, at all their said sessions, have before them the assessment-rolls, or the duplicate assessment-rolls, for the fiscal year ending June thirtieth, in the year eighteen hundred and fifty-seven, and June thirtieth, in the year eighteen hundred and fifty-eight, and June thirtieth, in the year eighteen hundred and fifty-nine. And the said Board of Equalization shall, during said sessions, have power to correct or remit any assessment in either or any of the said assessment-rolls. At the close of the session on the last day herein named for the meeting of said Board of Equalization, the Clerk of said Board shall furnish the Auditor of said City and County with a list of corrections and remissions made by said Board, and the said Auditor shall take note of all such corrections or remissions of any and all assessments in said assessment-rolls, or said duplicate assessment-rolls, and shall correct his books accordingly. Said assessment-rolls, or duplicate assessment-rolls, shall be immediately re-delivered to the said Tax-Collector.

Meetings.

SEC. 5. The President of the Board of Supervisors shall give notice of the time when, the place where, and the number of days, the said Board of Supervisors will continue their sitting as a Board of Equalization to correct the said assessments. Said notice shall be published in at least three daily newspapers published in said City and County, and shall be published for the first time at least four days before the first session of said Board of Equalization as herein before provided for, and shall continue to be published from day to day until the last sitting of said Board of Equalization.

SEC. 6. All persons who shall neglect or refuse to appear before the Board of Equalization, during their sitting under the authority of this Act, and make application to have the taxes assessed against them or against property which they claim to own or represent, equalized and corrected, or remitted, on any of the assessment-rolls or tax-lists aforesaid, as provided in this Act, shall be bound in the same manner as if they had appeared before said Board for the purpose of having their taxes equalized and corrected.

In case of
absence.

SEC. 7. The said Board of Equalization may elect a Committee of not less than three of their number to hear the parties, take testimony, and report the same to the Board; but no correction or remission shall be made of any assessment without the consent of a majority of the Board. A party appearing by himself, or by attorney, before the Board, or their Committee, to have the taxes equalized or corrected, or remitted on the property which he owns or represents, may be required to make oath as to the value of the same, which oath, the value fixed by the witness, with a short and concise description of the property, may be reduced to writing by any member of the Board, Committee, or the Clerk of the Board, and read to or by the deponent, who shall sign the same, which shall be filed among the archives of said City and County by the Clerk of the Board of Supervisors thereof. The oath may be administered by any member of the Board, or of the Committee, or by the Clerk of said Board.

Committee
to take
testimony.

SEC. 8. From and after the last day of the sitting of said Board of Equalization, as provided for in this Act, every tax contained in said assessment-lists, or in any of them, is hereby made a judgment against the person to whom said tax is assessed, and a lien against any and all of the property, whether real, personal, or mixed, of the person assessed, and against any and all of the property, whether real, personal, or mixed, subsequently acquired by the person to whom said tax is assessed, which lien shall attach and judgment date as of the twelfth day of April, of the year eighteen hundred and fifty-nine, and shall thereupon have full force and effect of an execution against, and a levy upon, all the property of the person assessed; which judgment shall not be satisfied, or the lien or levy be removed, until the taxes are all paid, or the property has actually vested in a purchaser under a sale for taxes; *Provided*, that nothing in this section contained shall be so construed as to remove any lien now existing on any property by reason of any tax thereon being unpaid.

Delinquent
tax stands as
a judgment.

SEC. 9. For the purpose of collecting any tax assessed in any of the assessment-lists or rolls mentioned in sections first, second, and third of this Act, the Tax-Collector of the City and County of San Francisco is hereby authorized to sell any and all goods, chattels, and things in action, and any and all property, real, personal, or mixed, belonging, or which hereafter may belong, to the person to whom such tax is assessed, or any interest or claim of such person in and to any goods, chattels, and things in action, and in and to any and all property, real, personal, or mixed.

Collection.

Seizure of
personal
property.

SEC. 10. The Tax-Collector, at any time after receiving back (as provided for in section four of this Act,) the assessment-lists or rolls, or the duplicate thereof mentioned in sections first, second, and third of this Act, may seize and take into his possession any personal property, including stock, shares in corporations or companies, and things in action, that he can find belonging to any person to whom any tax, whether on personal property, improvements, or real estate, is assessed in any of said assessment-lists or rolls, and he shall sell so much of said seized personalty as may be sufficient to pay said tax and costs upon giving one hour's verbal notice; and for seizing and selling such personal property, the Tax-Collector shall be allowed a fee of three dollars, and the same mileage that a Sheriff would be entitled to receive for traveling to the place to make a levy, to be recovered as costs from the person so assessed. All stocks, shares in corporations or companies, and things in action, shall be considered seized and taken into possession as soon as notice is given by the Tax-Collector to the person assessed that they are seized and taken into possession. When any stock or shares in any corporations are so seized, notice shall be given of such seizure at the principal office of such corporation.

Seizure of
real estate.

SEC. 11. The Tax-Collector may, at any time, or times, after the twelfth day of April, in the year eighteen hundred and fifty-nine, sell any real estate or improvements that he can find belonging to any person to whom any tax, whether on personal property, improvements, or real estate, is assessed and unpaid, in any of said assessment-lists or rolls; and also, any real estate or improvements on which any unpaid tax was originally assessed, on publishing a notice of the time and place of said sale, in some newspaper published in said City and County, once a week for three successive weeks. Said notice shall contain a brief description of the property to be sold, the name of the person to whom the tax was assessed, the amount of the tax and costs for which such property is to be sold; and after such notice is published, the Tax-Collector shall collect, in addition to the taxes and the five per cent. added thereto, one dollar on each and every lot, piece, or tract of land separately assessed, and also on the assessment of personal property of each delinquent tax-payer, which shall be in full for all the expense of publishing the same. Said real estate shall be sold, subject to redemption, in the manner provided for in "An Act entitled an Act to provide revenue for the support of the Government of this State," approved April the twenty-ninth, in the year eighteen hundred and fifty-seven, and the certificate given by the Tax-Collector, of such sale, and in case such property is not redeemed, the certificate, or tax-deed, given by said Tax-Collector, shall be the same in form, substance, and effect, as the certificate and deed required to be given by said Tax-Collector, on a sale of real estate, under the provisions of said last-mentioned Act; and the Tax-Collector's fees, for such certificate or deed, shall be the same as is already provided for by law. The Tax-Collector may adjourn, from day to day, any sale, or sales, advertised to take place under the provisions of this section.

SEC. 12. The Tax-Collector of said City and County shall be

allowed, for collecting all taxes under this Act, the following Per centage.
 rates for all moneys collected and paid over, namely: Six per
 cent. on the first ten thousand dollars; four per cent. on all over
 ten thousand dollars, and under twenty thousand dollars; three
 per cent. on all over twenty thousand dollars, and under fifty
 thousand dollars; two per cent. on all over fifty thousand dol-
 lars, and under two hundred thousand dollars; and one per cent.
 on all sums over two hundred thousand dollars, and no more.

SEC. 13. For the purpose of collecting any tax assessed in Actions to recover.
 any of the assessment-lists or rolls mentioned in the first, second,
 and third sections of this Act, and of enforcing any lien hereto-
 fore existing upon any property for unpaid taxes, or any lien
 created by this Act, the Tax-Collector is hereby authorized, in
 his discretion, to proceed in his official name, by action at law, in
 any Court of competent jurisdiction; and, upon the recommenda-
 tion of said Tax-Collector, the Board of Supervisors of the City
 and County of San Francisco is hereby authorized to employ
 counsel to conduct and prosecute such actions at law; *Provided*,
 that such counsel shall only be paid for their services out of the
 moneys collected under the provisions of this Act at a rate to be
 fixed by the said Board of Supervisors.

SEC. 14. The Tax-Collector shall, in addition to the bonds Bonds.
 now required by law, give a further bond, in the sum of ten
 thousand dollars, conditioned for the faithful performance of his
 duties under the provisions of this Act.

CHAP. CXXVIII.—*An Act to authorize the State Treasurer to issue
 to Minerva J. Carroll a duplicate School-Land Warrant, in lieu of
 a certain Warrant destroyed.*

[Approved March 23, 1859.]

*The People of the State of California, represented in Senate and
 Assembly, do enact as follows:*

SECTION 1. The Treasurer of State is hereby authorized and Duplicates issued.
 required to issue and deliver a school-land warrant for one hun-
 dred and sixty acres to Minerva J. Carroll, of Siskiyou County,
 to be numbered eighty-one, bearing date the third day of June,
 A. D. one thousand eight hundred and fifty-two, and the word
 "duplicate" written across the face of the same.

SEC. 2. The said duplicate land warrant shall be of the same Bond to indemnify.
 force and effect in all respects as the original land warrant would
 have been, had not the same been lost or destroyed; *Provided*,
 that before the issuance of said duplicate land warrant, the party
 entitled to receive the same shall execute and deliver to said
 Treasurer a bond, with good and sufficient sureties, in the penal
 sum of three hundred and twenty dollars, payable to the People
 of the State of California, conditioned to be paid if the original
 shall ever be re-located.

CHAP. CXXIX.—*An Act to fix the Time of holding the Court of Sessions and the County Court, in the County of Tehama, and the Court of Sessions, County Court, and the Probate Court in the County of Colusa.*

[Approved March 23, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- Tehama.** SECTION 1. The Court of Sessions, and the County Court, in the County of Tehama, shall be held at the same time, to wit : on the first Monday of April, August, and December ; and the
- Colusa.** Court of Sessions, in the County of Colusa, shall be held as follows : on the second Monday of March, July, and November ; and the County Court and the Probate Court, in said County, shall be held on the Second Monday of January, March, May, July, September, and November, of each year.
- Order of business.** SEC. 2. At said times, the business pertaining to the Court of Sessions shall first be disposed of, and after that, the business of the County Court and that of the Probate Court, in the order in which said Courts are named. This order shall be observed as a rule of precedence only, and after the business of one Court is disposed of, the business of the other Courts may be taken up on the same day.
- Records.** SEC. 3. The records of each of said Courts shall be kept separately, as required by law.
- Special term.** SEC. 4. The County Judges of said Counties may call and hold special terms of the Court of Sessions, County Court, and Probate Court, whenever the public interest may require.
- Repealing clause.** SEC. 5. All Acts, and parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

CHAP. CXXX.—*An Act to provide for the establishment of a State-prison Library.*

[Approved March 23, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- Books for library.** SECTION 1. The person or persons in charge of the State-prison are hereby authorized and required to purchase, at a cost not exceeding five hundred dollars, such books for a State-prison Library, and to make such rules and regulations concerning the same, as they shall deem most conducive to the moral and intellectual well-being of the convicts.
- \$500.** SEC. 2. The sum of five hundred dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purchase of said library, and the Controller of State is

hereby required to draw his warrant on the Treasurer of State in favor of the State-prison Directors, for said sum, and the Treasurer of State is hereby required to pay the same, out of any money in the treasury not otherwise appropriated.

CHAP. CXXXI.—*An Act creating a Contingent Fund for Shasta County.*

[Approved March 24, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of Supervisors for Shasta County are ^{\$1500.} hereby authorized and empowered to, in each year, set aside from any money in the County treasury belonging to the General Fund, any sum not exceeding fifteen hundred dollars, which shall be known as the Contingent Fund of said County, and shall be subject to the order of the Board of Supervisors, in payment for repairing public buildings, rent, and furnishing rooms for County purposes, stationery, books, fuel, lights, clothing, and ironing of prisoners.

CHAP. CXXXII.—*An Act to fund certain Claims against Sacramento County.*

[Approved March 24, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of I. N. Babcock, against Sacramento ^{Babcock.} County, for the sum of two thousand two hundred and fifty dollars, for the construction of a road from the American River Bridge to the Arcade House, in Sacramento County, in the year eighteen hundred and fifty-three, is hereby declared a legal claim against said County. Also, the claim of E. A. Sherman, ^{Sherman.} for rent of County Surveyor's office, from January first to October first, eighteen hundred and fifty-seven, and three months' fuel, for three hundred dollars, is hereby declared a legal claim against said County. And said claims shall be received and funded, under the provisions of an Act to repeal the Act passed March twenty-sixth, eighteen hundred and fifty-one, entitled an Act to incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento, approved April twenty-fourth, eighteen hundred and fifty-eight.

CHAP. CXXXIII.—*An Act to amend an Act entitled an Act to provide for the Payment of the Debt of Humboldt County that existed upon the thirty-first day of December, one thousand eight hundred and fifty-seven, approved April twenty-sixth, eighteen hundred and fifty-eight.*

[Approved March 24, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act is hereby so amended as to read as follows :

Special tax. Section one—The Board of Supervisors of Humboldt County are hereby authorized and empowered, in addition to the ordinary taxes for general County purposes, annually to levy and collect a tax of not less than ten nor more than twenty cents on each one hundred dollars valuation of taxable property in said County, until all the outstanding Auditor's warrants of said County, dated prior to the first day of January, one thousand eight hundred and fifty-eight, shall be fully paid, both principal and interest, to be assessed, levied, and collected at the same time and manner, and by the same officers, as the ordinary revenue of the County. Said special tax shall be called the Funding Tax of Humboldt County, and shall be collected and paid into the County treasury in legal currency of the United States. The Fund to be derived from said Funding Tax shall not be loaned, in whole or in part, to any other Fund, nor shall any part thereof be paid out except as hereinafter provided.

CHAP. CXXXIV.—*An Act to authorize the State Treasurer to issue to George Campbell Duplicate School-Land Warrants, in lieu of a certain other Warrant given up to be canceled.*

[Approved March 24, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Duplicate issued. SECTION 1. The Treasurer of State is hereby authorized and required to issue and deliver a school-land warrant, for three hundred and twenty acres, to George Campbell, of Sonoma County, to be numbered "sixty-eight," bearing date the eleventh day of September, eighteen hundred and fifty-two, and the word "duplicate" written across the same.

Original to be canceled. SEC. 2. The said duplicate land warrant shall be of the same force and effect, and the location under the same shall be of the same validity, as the original land warrant and the location thereof could be ; *Provided*, the same had been legally transferred and assigned to George Campbell, the present holder and owner

thereof; and said duplicate shall have the same effect, and take the place of, and shall, in all particulars, have the same validity, as would the said original warrant if issued to said George Campbell; *Provided*, the said George Campbell shall first cause the original warrant, number sixty-eight, to be given up to the Treasurer of State, to be then filed and canceled, together with all the vouchers, showing ownership of said warrant in said George Campbell.

CHAP. CXXXV.—*An Act amendatory of, and supplementary to, "An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, eighteen hundred and fifty-six, of and to which there is a certain Act amendatory and supplementary, approved April eighteenth, eighteen hundred and fifty-seven, and of and to which there is a certain other Act amendatory and supplementary, approved April twenty-fifth, eighteen hundred and fifty-seven.*

[Became a Law by operation of the Constitution, March 24, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The twenty-sixth section of an Act entitled "An Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, eighteen hundred and fifty-six, is hereby amended so as to read as follows:

Section twenty-six—Neither the Chief of Police, Captains, or any Officer of Police, shall follow any other profession or calling, become bail for any person charged with any offence whatever, receive any present or reward for official services rendered, or to be rendered, unless with the knowledge and approbation of a majority of the Police Commissioners, to wit, the Police Judge, President of the Board of Supervisors, and Chief of Police, of the City and County of San Francisco—such approbation to be given in writing; nor be allowed pay for any period during which they shall absent themselves from public duty, unless such absence necessarily result from indisposition or disability occasioned by injuries suffered while in the discharge of official duty. Police Officers in subjection to the orders of the respective Captains, and all under the general direction of the Chief of Police, shall be prompt and vigilant in the detection of crime, the arrest of public offenders, the suppression of all riots, frays, duels, and disturbances of the public peace, the execution of process from the Police Judge's Court in causing the abatement of public nuisances, the removal of unlawful obstructions from the public

streets, and the enforcement of the laws and regulations of Police.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this twenty-fourth day of March, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CXXXVI.—*An Act to amend an Act entitled an Act concerning the office of Secretary of State, passed May fourth, eighteen hundred and fifty-four.*

[Approved March 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section third of the Act concerning the office of Secretary of State is hereby amended so as to read as follows :

Office hours. Section three—The Secretary of State shall keep his office at such place as the other State officers are required by law to reside, and keep the same open in person, or by his Deputy, on all days on which business is usually done, from the hour of ten in the forenoon, until two o'clock in the afternoon.

CHAP. CXXXVII.—*An Act levying the Taxes for the year eighteen hundred and fifty-nine in the County of Sierra, for County purposes.*

[Approved March 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Special tax. SECTION 1. A tax for County purposes in the County of Sierra, is hereby levied for the year eighteen hundred and fifty-nine, on each one hundred dollars of taxable property in said County of Sierra, as follows: a tax of fifty cents, to be paid into the General Fund; twenty-five cents, to be paid into the Hospital Fund; twenty-five cents, to be paid into the Interest Fund; ten cents, to be paid into the School Fund; five cents, to be paid into the Road Fund; and twenty-five cents, to be paid into the Jail Fund of said County; and said tax shall be collected at the same time, and in the same manner as now provided by law for the collection of State taxes.

CHAP. CXXXVIII.—*An Act to grant the right to construct a Bridge across the Upper Sacramento River, at the Town of Red Bluff, to certain parties therein named.*

[Approved March 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Joseph Combs and J. G. Doll, together with such associates as they may admit, shall take, have, possess, and enjoy all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations, and providing for the incorporation of bridge companies, and shall adopt the name of Red Bluff Bridge Company, and shall abide by and fulfill the further conditions hereinafter mentioned. Bridge Company incorporated

SEC. 2. Said company, when incorporated as aforesaid, shall have full power to build, erect, construct, and maintain a public toll-bridge across the Upper Sacramento River, at or near the foot of Pine Street, in the Town of Red Bluff, County of Tehama, to or near a point on the east bank of said River, opposite the foot of Pine Street, in the said Town of Red Bluff, and have and enjoy all rights, privileges, and immunities, thereunto appertaining, and shall have the right of way across said River, and the privilege of using the same for that purpose, which is hereby granted and ceded to said Company for the term of twenty years; *Provided*, within one year from the date of the passage of this Act, the said Company shall commence the construction of said bridge, and within two years shall build and fully complete the same—otherwise, the right to construct the same shall be forfeited, and this Act become null and void. Said Company shall, at all times after its completion, keep said bridge in passable order and condition, and shall be responsible for any damage arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. After the expiration of ten years from the completion of said bridge, the County of Tehama shall have the right to purchase the said bridge, together with the franchise and right of way, at an appraised value, to be determined by five appraisers, two to be selected by the Bridge Company, two by the County of Tehama, and one to be selected by the four appraisers herein before provided for, and such value shall be estimated to be the value of the bridge, not including the franchise or right of way; *And provided, further*, that if the said bridge be purchased by the County of Tehama, then the right to levy and collect tolls shall cease. Power to construct to toll-bridge.

SEC. 3. The said bridge shall be constructed on the best and most approved plan, in a substantial manner, and of the most durable materials, and shall have a draw or opening of sufficient dimensions, so as to admit the passage of the largest class Draw-bridge.

steamers plying in or upon the Upper Sacramento River, to any point of travel above the Town of Red Bluff; and the said Company shall at all times keep said draw or opening in good working condition, so that the free navigation of said river shall not be interfered with thereby, or by reason thereof, and said Company shall keep said draw open at any and all times required for the purpose of navigation of the river, and any damages that shall accrue by reason of any inattention to the duties, as prescribed, shall be at the cost of said bridge-owners, to be recovered by an action in any Court of competent jurisdiction.

Collect tolls. SEC. 4. The said Bridge Company, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of Tehama County may fix, annually; *Provided*, that the Legislature may, at all times, modify or change the rates so fixed by said Board of Supervisors, and may authorize the erection of other bridges across said river, at any point where the public convenience may require.

Regulations. SEC. 5. Said Company may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed not to be faster than a walk, and for each violation may recover judgment before any competent Court for any damages by said Company sustained by such travel, riding, or driving, exceeding the speed authorized by the Company.

Scale of prices. SEC. 6. Said Company shall keep, in some conspicuous place at each end of the bridge, a bulletin-board, which shall contain the scale of prices, and notice of speed allowed on said bridge; *Provided*, that nothing in this Act shall be so construed as to in any way prevent the Board of Supervisors of Tehama County from granting license to the present owner of the ferry at the Town of Red Bluff, or any other ferry that the said Board may deem necessary for the convenience of the public.

CHAP. CXXXIX.—*An Act to Audit Certain Claims.*

[Approved March 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Corcoran. SEC. 1. The claim of F. E. Corcoran, for services rendered as Superintendent and Architect of the new wing of the Insane Asylum in the months of August, September, October, November, and December, eighteen hundred and fifty-six, the sum of one thousand dollars, is hereby audited and allowed.

Luchsinger and Hubbard. And the claim of Luchsinger and Hubbard, for furniture, mattresses, etc., supplied Insane Asylum in the months of October, and November, A. D. eighteen hundred and fifty-six, the sum of two hundred and seven dollars and seventy-five cents, is hereby audited and allowed.

Van Allen. And the claim of L. C. Van Allen, for books, stationery, etc.,

supplied Insane Asylum in the months of October, November, and December, A. D. eighteen hundred and fifty-six, the sum of eighty dollars, is hereby audited and allowed.

And the claim of D. Cohen, for clothing furnished Insane Asylum in the months of November, and December, A. D. eighteen hundred and fifty-six, the sum of three hundred and thirty-four dollars and fifteen cents, is hereby audited and allowed. Cohen.

And the claim of R. Crozier, for vegetables furnished Insane Asylum in the month of November, A. D. eighteen hundred and fifty-six, the sum of fifty-nine dollars and thirteen cents, is hereby audited and allowed. Crozier.

And the claim of Nash and Beamis, for boots and shoes furnished Insane Asylum in the month of November A. D. eighteen hundred and fifty-six, the sum of thirty dollars and fifty cents, is hereby audited and allowed. Nash and Beamis.

And the claim of Mills and Doll, for hardware furnished Insane Asylum in the month of October, A. D. eighteen hundred and fifty-six, the sum of fifty-five dollars and eighty-seven cents, is hereby audited and allowed. Mills and Doll.

And the claim of Saunders and Hickman, for hardware furnished Insane Asylum in the months of October, November, and December, A. D. eighteen hundred and fifty-six, the sum of three hundred and seventy-two dollars and ninety-six cents, is hereby audited and allowed. Saunders & Hickman.

And the claim of L. Vilhac, for vegetables furnished Insane Asylum in the month of December, A. D. eighteen hundred and fifty-six, the sum of twenty-seven dollars and twenty cents, is hereby audited and allowed. Vilhac.

And the claim of E. S. Holden, for drugs and medicines furnished Insane Asylum in the month of July, A. D. eighteen hundred and fifty-six, the sum of one hundred and thirty-two dollars and thirty-two cents, is hereby audited and allowed. Holden.

And the claim of Simpson & Gray, for lumber furnished Insane Asylum in the months of November and December, A. D. eighteen hundred and fifty-six, the sum of one hundred and thirty dollars and eighty-six cents, is hereby audited and allowed. Simpson and Gray.

And the claim of John Gross & Co., for bread furnished Insane Asylum in the months of September, October, November, and December, A. D. eighteen hundred and fifty-six, the sum of one thousand eight hundred and eight dollars and fourteen cents, is hereby audited and allowed. Gross & Co.

And the claim of Eldridge & Brothers, for vegetables, furnished the Insane Asylum in the months of November and December, A. D. eighteen hundred and fifty-six, the sum of two hundred and eighty-five dollars and forty-one cents, is hereby audited and allowed. Eldridge and Brothers.

And the claim of Fox & O'Connor, for liquors furnished Insane Asylum in the months of October, November, and December, in the year eighteen hundred and fifty-six, the sum of one hundred and sixty-two dollars, is hereby audited and allowed. Fox & O'Connor.

And the claim of W. H. Webster, for merchandise furnished Insane Asylum in the months of August and September, A. D. eighteen hundred and fifty-six, the sum of twenty-four dollars and five cents, is hereby audited and allowed. Webster.

- Sanderson.** And the claim of George H. Sanderson, for groceries and crockery-ware furnished Insane Asylum for the months of November and December, A. D. eighteen hundred and fifty-six, the sum of sixty-three dollars and fifty cents, is hereby audited and allowed.
- Maurice.** And the claim of R. C. Maurice, for dry-goods furnished Insane Asylum in the month of December, A. D. eighteen hundred and fifty-six, the sum of fifty-two dollars and fifty cents, is hereby audited and allowed.
- Gage.** And the claim of O. C. Gage, for oil furnished Insane Asylum in the month of December, A. D. eighteen hundred and fifty-six, the sum of seven dollars and fifty cents, is hereby audited and allowed.
- Paige.** And the claim of Timothy Paige, for oil furnished the Insane Asylum in the months of October and November, A. D. eighteen hundred and fifty-six, the sum of thirty-four dollars, is hereby audited and allowed.

CHAP. CXL.—*An Act fixing the Salaries of the County Judge of San Bernardino County, and of the District-Attorney for said County, and repealing all former Acts inconsistent with the provisions of this Act.*

[Approved March 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County
Judge and
District
Attorney.

SECTION 1. From and after the date of the passage of this Act, the County Judge of San Bernardino County shall receive for his salary, annually, the sum of one thousand dollars, payable monthly; and the District-Attorney for said County shall receive for his services, annually, the sum of eight hundred dollars, payable monthly.

SEC. 2. The County Auditor of said County is hereby authorized and required to draw his warrant, monthly, on the County Treasurer, for the payment of said salaries and services.

Repealing
clause.

SEC. 3. All Acts, or parts of Acts, inconsistent with the foregoing, are hereby repealed.

CHAP. CXLI.—*An Act to change and fix the Time of holding the Court of Sessions, the County Court, and the Probate Court, of San Bernardino County.*

[Approved March 26, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Court of Sessions, the County Court, and the Probate Court, of the County of San Bernardino, shall be held as follows: The Court of Sessions, in said County, shall meet on the first Monday of February, June, and October, of each year, and shall continue until all the business is completed. The County Court of said County shall meet on the first Monday of March, May, July, September, November, and January, of each year, and continue until all the business is completed. The Probate Court of said County, shall meet on the fourth Monday of each month during the year, and continue until all the business is completed. Time fixed.

SEC. 2. All Acts, and parts of Acts, inconsistent with the foregoing, are hereby repealed. Repealing clause.

CHAP. CXLII.—*An Act to authorize the sale of certain Real Estate by Guardians.*

[Approved March 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The legally appointed guardian or guardians of José Antonio Baca, Juan Baca, Miguel Baca, Dolores Pena, and José Pena, minor heirs of the estate of the late Manuel Baca, of Solano County, deceased, is, or are, hereby authorized and empowered to sell, at public or private sale, as shall be deemed most advantageous for the interest of said minors, the whole or any undivided interest of each one, or all of said minors, in the tract of land in the County of Solano, known as the Baca and Pena grant, for which a patent has been issued by the Government of the United States. Authorized to sell real estate.

SEC. 2. The said guardian or guardians shall make a full report of any and all such sales as shall be made by him or them, to the Probate Court of Solano County, and the Judge of the said Court shall, either in term-time or in vacation, in open Court, or in Chambers, examine the same, and confirm or set aside the said sale or sales, as he may deem just and proper, and for the interest of said minors. The guardian or guardians, is, or are, hereby authorized, upon the confirmation of any such sale or sales, as herein before provided, and upon the compliance on Report to Probate Judge.

the part of the purchaser or purchasers with the terms of such sale or sales, to execute, acknowledge, and deliver to said purchaser or purchasers a conveyance of the land so sold, which shall absolutely and forever convey to, and vest in, the grantee or grantees, all the right, title, interest, claim, demand, reversion, and remainder, legal and equitable, of the aforesaid minors or either of them, in and to the property described in said deed or conveyance; *Provided, however*, that no deed or conveyance for said real estate or any part thereof shall be valid, or convey any title, unless the sale shall have been confirmed by the Probate Judge aforesaid, previous to the execution of said deed or conveyance; *And provided, further, however*, that no such sale or sales shall be approved by said Probate Judge, until said guardian or guardians shall have filed in said Court a bond, or bonds, with sufficient sureties, to the satisfaction of said Judge, in double the value of the real estate sought to be sold, conditioned for the faithful custody and disposition of the funds produced from said sale or sales for the benefit of said minor or minors; *And provided, also*, that the sureties on said bond or bonds shall justify as in case of bonds given under the Civil Practice Act of this State.

Expenses.

SEC. 3. After any sale or sales shall have been made, as aforesaid, the guardian, or guardians, shall proceed to ascertain the amount of taxes due upon the real estate of said minors, and what sums will be required to redeem or discharge the said lands from any tax-sales heretofore made, and also to ascertain the expense of prosecuting the claim of said minors to the land aforesaid, and the debts outstanding against said minors for their support, maintenance, and education, and all other accounts legally chargeable against said minors, or their estate, and when ascertained, the said guardian, or guardians, shall report the same to the Probate Judge of Solano County. If the said demands are just and proper, the said Judge shall certify and allow the same, or any part he may think proper, and direct and empower the said guardian, or guardians, to pay and discharge the same.

**Surplus
funds to be
invested.**

SEC. 4. Any and all funds remaining in the hands of the guardian, or guardians, arising from said sale or sales, after the payment of the charges and expenses allowed by the Court, as aforesaid, shall be laid out and invested under the direction of said Probate Judge, for the support, maintenance, and education of said minors, and said guardian, or guardians, shall be liable on their bonds for the safe-keeping and proper disposition of all such funds, in all respects, according to the general provisions of the statute concerning guardians.

CHAP. CXLIII.—*An Act to provide for the Payment of Volume Eight of the Reports of the Supreme Court of the State of California.*

[Approved March 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of two thousand dollars is hereby appropriated from the General Fund, out of any moneys in the treasury not otherwise appropriated, to be applied to the payment of volume eight of the Reports of the Supreme Court of the State of California, containing reports of cases decided at the July and October Terms of said Court, in the year eighteen hundred and fifty-seven. \$2000.

SEC. 2. The Controller is hereby authorized and required to draw his warrant on the Treasurer, in favor of H. Toler Booraem, for the sum of two thousand dollars, on receiving the certificate of the Secretary of State that he has received from said Booraem three hundred copies of said volume eight of said Reports. Warrant on Treasurer.

SEC. 3. Said volume eight of said Reports is hereby declared to be one of the Official Reports of the Supreme Court of this State. Official reports.

CHAP. CXLIV.—*An Act to amend an Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved March 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section forty of said Act is hereby amended so as to read as follows:

Section forty—The defendant may demur to the complaint within the time required in the summons to answer, when it appears upon the face thereof, either, first, that the Court has no jurisdiction of the person of the defendant, or the subject of the action; or, second, that the plaintiff has not legal capacity to sue; or, third, that there is another action pending between the same parties for the same cause; or, fourth, that there is a defect or misjoinder of parties plaintiff or defendant; or, fifth, that several causes of action have been improperly united; or, sixth, that the complaint does not state facts sufficient to constitute a cause of action; or, seventh, that the complaint is ambiguous, unintelligible, or uncertain. Demurrer.

SEC. 2. Section two hundred and thirty-one of said Act is hereby amended so as to read as follows:

Section two hundred and thirty-one—The judgment-debtor or Redemption.

a redemptioner may redeem the property from the purchaser within six months after the sale, on paying the purchaser the amount of his purchase, with twelve per cent. thereon in addition, together with the amount of any assessment or taxes, which the purchaser may have paid thereon after the purchase, and interest on such amount. After the sale of any real estate, the judgment under which such sale was had shall cease to be a lien upon such real estate.

SEC. 3. Section two hundred and thirty-two of said Act is hereby amended so as to read as follows:

Redemption.

Section two hundred and thirty-two—If the property be so redeemed by a redemptioner, either the judgment-debtor or another redemptioner may, within sixty days after the last redemption, again redeem it from the last redemptioner, on paying the sum paid on such last redemption, with four per cent. thereon in addition, and the amount of any assessment or taxes which the said last redemptioner may have paid thereon, after the redemption by him, with interest on such amount. The property may be again, and as often as the debtor or redemptioner is so disposed, redeemed from any previous redemptioner within sixty days after the last redemption, on paying the sum paid on the last previous redemption, with four per cent. thereon in addition, and the amount of any assessments or taxes which the last previous redemptioner paid, after the redemption by him, with interest thereon. Notice of redemption shall be given to the Sheriff. If no redemption be made within six months after the sale, the purchaser, or his assignee, shall be entitled to a conveyance, or, if so redeemed, whenever sixty days have elapsed and no other redemption has been made and notice thereof given, the time for redemption shall have expired, and the last redemptioner, or his assignee, shall be entitled to a Sheriff's deed. If the debtor redeem, at any time before the time for redemption expires, the effects of the sale shall be terminated, and he be restored to his estate.

SEC. 4. Section three hundred and thirty-six is hereby amended so as to read as follows:

Section three hundred and thirty-six—An appeal may be taken:

Appeal.

First—From a final judgment in an action or special proceeding commenced in the Court in which the judgment is rendered, within one year after the rendition of the judgment.

Second—from a judgment rendered on an appeal from an inferior Court, within ninety days after the rendition of the judgment.

Third—From an order granting or refusing a new trial; from an order refusing to change the place of trial of an action or proceeding, after a motion is made therefor, in the cases provided by law, or on the ground that the Judge is disqualified from hearing or trying the same; from an order granting or dissolving an injunction; and from an order refusing to grant or dissolve an injunction; and from any special order made after final judgment, within sixty days after the order is made and entered in the minutes of the Court.

SEC. 5. Section four hundred and eighty-three of said Act is hereby amended so as to read as follows:

Section four hundred and eighty-three—Whenever a warrant of attachment is issued pursuant to this chapter, the Court or Judge shall direct, by an indorsement on such warrant, that the person charged may be let to bail for his appearance, in an amount to be specified in such indorsement. Bail in case of attachment.

CHAP. CXLV.—*An Act amendatory of an Act entitled "An Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, A. D. eighteen hundred and fifty-six.*

[Approved March 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section ten of an Act entitled "An Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, as the same was amended April eighteenth, one thousand eight hundred and fifty-seven, is hereby amended so as to read as follows :

Section ten—The Surveyor, Justices of the Peace, and Constables, shall continue to receive for their official services (except from the City and County,) such fees and compensation as are now, or may hereafter, be allowed by law, and in addition to such fees and compensation, to be collected from private parties, there shall be allowed to the City and County Surveyor one thousand dollars per annum, which shall be in lieu of all fees or other charges for official services, which would otherwise be a City and County charge. The Assessor shall receive for all services required of him by law a salary, at the rate of four thousand dollars per annum, which salary shall be in full for all services required of him as aforesaid, and for all the contingent expenses of his office, except necessary books; and he shall devote his whole time during office-hours to the business of his office, and shall keep his office open to the public during the same hours provided by law for the City and County Auditor. To assist him in making his assessment he shall be allowed from the first of February, in each year, till the first of May, seven Deputies, and from the first of May until the assessment-roll is finally completed and handed over to the Auditor, he shall be allowed but three Deputies, after which time, during the balance of the year, he shall be allowed one Deputy only, except as hereinafter provided. The Deputies aforesaid shall be paid at the rate of one hundred and fifty dollars per month, each. The Assessor shall also be allowed such Deputies as he may require to collect poll-taxes, who shall be allowed for their services only such fees and per centages as may be allowed by law for the col- Fees of officers.

lection of poll-taxes; *Provided*, that to assist him in making his assessment, the Assessor shall be allowed for the present year seven Deputies until the first of June, and the Board of Supervisors shall meet as a Board of Equalization at the times, and shall conduct their business as such Board of Equalization in such manner, as is provided in the Revenue Laws of this State.

SEC. 2. Section fourteen of said Act is hereby amended so as to read as follows :

Bonds.

Section fourteen—All officers of the said City and County must, before they can enter upon their official duties, give bond as required by law. The bonds and sureties of such officers must be approved by the County Judge, Auditor, and President of the Board of Supervisors. Where the amount of such official bond is not fixed by law, it shall be fixed by the Board of Supervisors. No banker residing or doing business in said City and County, nor any such bankers, partner, clerk, employé, agent, attorney, father, son, or brother, shall be received as surety for the Treasurer, President of the Board of Supervisors, Sheriff, Auditor, nor any officer having the collection, custody, or disbursement of money. No person can be admitted as surety on any such bond, unless he be worth, in fixed property, including mortgages, situated in said City and County, the amount of his undertaking, over and above all sums for which he is already liable, or in any manner bound, whether as principal, indorser, or security, and whether such prior obligation or liability be conditional or absolute, liquidated or unliquidated, certain or contingent, due or to become due. All persons offered as sureties on official bonds, may be examined on oath touching their qualifications. The official bond of the Auditor shall be filed and kept in the office of the Clerk of said City and County. All other official bonds shall be filed and kept in the office of the Auditor. All officers continued in office, under this Act, shall be required to execute new bonds, conformable to laws heretofore existing, and, in case of default on the part of any officer of doing so within two days after the first meeting of the Board of Supervisors, the said Board shall declare his office vacant.

SEC. 3. Section thirty-six of said Act is hereby amended so as to read as follows :

Assessments
for improve-
ments.

Section thirty-six—In the public streets already laid out by lawful authority, opened and graded, or piled, capped, and planked, within the limits of said City and County of San Francisco, or which shall hereafter be laid out, opened, and graded, or piled, capped, and planked, as provided in this Act, the sewer-ing, paving, and planking, shall be assessed upon and done at the expense of the adjacent lots and land on each side of the street. Each lot, or portion of a lot, being separately assessed in proportion to the assessed value of the same according to the assessment-roll last completed, when the contract for said improvements was made, and the owner of the said lots and land shall be liable to pay the said assessment as herein provided.

SEC. 4. Section thirty-seven is hereby amended so as to read as follows :

Section thirty-seven—The expense of grading, sewer-ing, paving, and planking, and piling, capping, and planking, or for

repairs upon each street-crossing, or the space formed by the junction of two or more streets, shall be assessed according to the value as aforesaid upon each quarter-block adjoining and cornering upon the same. Each distinct lot, or part of a lot, included in such quarter, being separately assessed for its proportion; for that purpose, all the blocks shall be considered as divided into quarters by straight lines running through the centre of them, and running parallel with each of the streets bounding said blocks. In cases where the blocks are of irregular shape and not bounded by parallel streets, so that they can not be equally divided in that manner, the expense of constructing or repairing the crossings shall be assessed in proportion, as aforesaid, upon the lots and land in the whole block, and in such cases the said irregular block shall, for the purpose of assessment, be considered as a quarter-block. The space formed by the junction of two streets terminating at the same point, if such a case should occur, shall be graded, sewered, paved, and planked, or piled, capped, and planked, and kept in repair at the expense assessed as aforesaid, upon the lots and lands fronting thereon and the contiguous quarter-blocks.

SEC. 5. Section forty of said Act is hereby amended so as to read as follows:

Section forty—When any street is located, the Board of Supervisors, when they shall deem it expedient, may order the whole or any portion thereof to be graded, or piled, capped, or planked, after notice of their intention published in some daily newspaper printed in said City and County, for the period of ten days, unless the owners of one-half in value according to the assessment-roll as aforesaid, of the lots and land bounded on such street, or a portion of a street, so proposed to be graded, shall have made written objections thereto, within ten days after the first publication of said notice, and deliver the same to the said Clerk of the said Board of Supervisors, who shall indorse thereon the date of its delivery.

In case of
objection to
improvement.

SEC. 6. Section forty-one of said Act is hereby amended so as to read as follows:

Section forty-one—If the owners of more than one-half in value, according to the assessment-roll aforesaid, of the lots and land fronting on any street, or portion of a street, or their duly authorized agents, shall petition the Board of Supervisors in writing to grade, or to pile, cap, and plank, the same—the signatures of the petitioners being verified by their acknowledgment before a Justice of the Peace, or Notary Public, in the form required by law for the acknowledgment of deeds—the Board of Supervisors shall order the same to be done, but in such case they may receive and consider remonstrances for the purpose only of ascertaining whether the petitioners truly comprehend more than one-half of said owners, as in this section required. No order or permission shall be given to grade, or to pile, cap, and plank, any street, or a portion of a street, without extending and completing such grading, or piling, capping, and planking, throughout the whole breadth of such street, up to the boundary of the lots and lands fronting thereon, except in cases where any street, or portion of a street, has been heretofore

Petition for
improvement.

graded, or piled, or capped, or planked, in part, and not to the full width of the street, the Board of Supervisors shall order the same graded, or piled, capped, and planked, as the case may be, to the full width of said street.

SEC. 7. Section forty-two of said Act is hereby amended so as to read as follows:

Assessed
according
to value.

Section forty-two—The total amount of the expense of grading, or piling, capping, and planking, any street, or portion of a street, under the provisions of this Act, shall be assessed on all the lots and lands fronting thereon, or liable to be assessed therefor, in proportion to the value thereof—to be assessed in the same manner as provided for sewerage, paving, and planking; and the owners of said lots and land shall be liable therefor.

SEC. 8. Section forty-three of said Act is hereby amended so as to read as follows:

Advertise for
proposals.

Section forty-three—Before giving out any contract for grading, sewerage, or paving and planking, or piling, capping, and planking, of any street, or portion of a street, or street-crossing, the Board of Supervisors shall cause notice to be conspicuously posted in the office of Superintendent of Public Streets and Highways, and published in one daily newspaper, printed in said City and County, for a period of ten days, inviting sealed proposals for the work contemplated. All proposals offered shall be delivered to the President of the Board of Supervisors. The Board of Supervisors shall open, examine, and publicly declare them, in open session, and thereupon shall be awarded to the lowest bidder, at the lowest price offered, according to the provisions of the next preceding section; *Provided*, that the major part of the owners in value, according to the assessment-roll as aforesaid, of the lots and land liable to be assessed therefor, shall not be required to present sealed proposals, but may, within five days after such award—notice of which award shall be published in one daily newspaper printed in said City and County—elect to do the work at the price the same may have been awarded, and enter into a contract therefor. The Superintendent of Public Streets and Highways shall be authorized, in his official capacity, to enter into written contracts for grading, sewerage, paving, and planking, and for piling, capping, and planking, upon streets and street-crossings, to be done, or awarded, or elected to be taken by the said owners, according to the provisions of this article. Should the said owners fail to elect, as herein provided, the Superintendent shall enter into a contract therefor with the persons to whom the same may have been awarded. And the said contractor shall execute a bond, with two sureties, to the City and County of San Francisco, in such a sum as the Superintendent shall deem adequate, conditioned for the faithful performance of his contract. The expenses incurred for the publication of notices, as required in this article, shall be deemed a portion of the expense of the work to which the same relates.

SEC. 9. Section forty-seven of said Act is hereby amended so as to read as follows:

Record-book
to be kept.

Section forty-seven—The Superintendent of Public Streets and Highways shall make and keep in his office a record-book of all assessments and charges which he is authorized by law to

make, in well-bound volumes, in which he shall enter diagrams, exhibiting each street-crossing, the work upon which may have been duly contracted for, and each street, or portion of a street, for the grading, sewerage, paving, planking, or piling, capping, and planking, or repairing, of which contract may have been entered into, the amount or rate to be paid upon such contract, each distinct lot, or portion of a lot, assessed and charged therefor, and the amount of such assessment and charge. Every assessment and charge made and recorded according to the provisions of this article, shall be a lien upon the property, and take precedence of all other liens, prior, as well as subsequent in date, for the period of two years, unless sooner discharged; *Provided, however*, that a certificate, signed by the Superintendent of Public Streets and Highways, stating the name of the contractor, and the name of the person against whom the assessment or charge is made, the amount and date of the same, together with a description of the property upon which it is the intention of the contractor to hold a lien, shall have been recorded in the office of the County Recorder, in the City and County of San Francisco.

SEC. 10. Section fifty-three of said Act is hereby amended so as to read as follows:

Section fifty-three—The Board of Supervisors, in the cases *Proposals.* and with the requisites prescribed in section forty and forty-one, may order the entire paving or repairing, planking or re-planking, piling, capping, and planking, or re-piling, re-capping, and re-planking, including the sidewalks of any street, or portion of a street, or the construction of sewers therein, according to plans and specifications, and after a careful estimate of the costs of the work, which shall be furnished them by the Superintendent of Public Streets and Highways; before passing such order, notice shall be given in the same manner as prescribed in section forty-three, and in the manner therein specified, proposals shall be received, and contracts given out, for the work ordered to be done, which contract shall be in writing, and contain the condition and notice specified in section forty-four; *Provided*, that the right of the owners to object, as provided in section forty, shall not apply in cases of construction of sewers; *And provided, also*, that no order shall be made to grade any street already officially graded.

SEC. 11. Section fifty-four of said Act is hereby amended so as to read as follows:

Section fifty-four—All the original streets, as laid down upon *Streets.* the official map of said City and County, and all other streets dedicated to public use, as such, are hereby declared open public streets, and the Board of Supervisors shall ascertain and establish the width of all, or any of said streets, hereby declared open public streets, as the same may have been originally laid out.

SEC. 12. Section fifty-six of said Act is hereby amended so as to read as follows:

Section fifty-six—The Superintendent of Public Streets and *Repairs.* Highways shall require, by written notice, to be delivered to them personally, or left upon the premises, all owners, tenants,

or occupants, of lots and buildings, situated and fronting upon streets already graded and planked, or paved, or heretofore capped, piled, and planked, or which shall hereafter be graded, and planked, or paved, or capped, piled or planked, where repairs are needed in the same, or in the sidewalks, or sewers, to make such repairs forthwith, each in front of the property of which he is the owner, tenant, or occupant, to the centre of the street, and all repairs so made, or expenses therefor incurred, shall be assessed and charged to the landlord, and if the same be paid by the tenant, such tenant shall have a lien upon the property, and may retain the possession thereof till the amount so advanced shall be paid from the accruing rents.

SEC. 13. Section fifty-nine of said Act is hereby amended so as to read as follows:

Action
against
delinquents.

Section fifty-nine—An action may be instituted and maintained before any Court of competent jurisdiction, by the contractor or his assigns, for work done and materials furnished upon streets, and street-crossings, under the provisions of this article, against the several owners assessed or liable therefor, for the recovery of the amount of their respective assessment, or for repairs as provided in section fifty-six of this Act, which shall be deemed a remedy concurrent with the proceedings for the enforcement of such assessment and charges herein before provided; and the entries kept by the Superintendent of Public Street and Highways in the record-book of assessments and charges, or a copy therefrom, certified by the said Superintendent to be a true copy thereof, shall be *prima facie* evidence in said Court of the regularity of all the proceedings prescribed in this article.

SEC. 14. Section sixty-two of said Act is hereby amended so as to read as follows:

Office of
Superintendent
of Streets

Section sixty-two—The said Superintendent shall keep a public office in some convenient place, to be designated by the Board of Supervisors, and his office shall be kept open as in this Act required. He shall not, during his continuance in office, follow any other profession or calling, but shall be required to devote himself exclusively to the duties of his office. He shall be allowed one Deputy, to be by him appointed from time to time, at a compensation of one hundred and fifty dollars per month, payable out of the General Fund of the City and County of San Francisco, in the same manner in all respects as provided for the payment of other salaries under this Act. It shall be lawful for the said Deputy to perform all or any of the duties conferred by this Act upon the Superintendent of Public Streets and Highways, under the direction of the said Superintendent.

SEC. 15. Section eighty-one of said Act is hereby repealed.

CHAP. CXLVI.—*An Act amendatory of, and supplementary to, an Act entitled "An Act concerning Estray Animals," passed April nineteenth, one thousand eight hundred and fifty-six.*

[Approved March 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of an Act entitled "An Act concerning estray animals," passed April nineteenth, one thousand eight hundred and fifty-six, is hereby amended so as to read as follows:

Section one—Every citizen resident householder in any County in this State, on finding any estray horse, mare, mule, jack, or jennet, or any neat cattle, sheep, or goats, or any number of such animals, upon his farm or premises, who shall desire to take up the same, shall, at any time after the expiration of twenty days from the finding of the same, go before some Justice of the Peace in his Township, or, if there be no acting Justice therein, then before some Justice of a neighboring Township, and make oath that he has made diligent inquiry throughout his neighborhood to ascertain the ownership of such estrays, and that he has also put up, ten days previously, a written notice in one or more of the most public places in his Township, naming the place or places, setting forth all the information in his possession, concerning the said animals, embracing a description of the marks and brands thereof, and that he has examined the County records of marks and brands, and that he found none of the marks or brands of such animal or animals upon record, and that he was about to post the same. He shall, also, at the same time, make oath that the marks and brands of said animal have not been altered since they came to his farm or premises, and that the owner or owners are unknown to him.

Estrays to be taken up.

SEC. 2. Section seven of the Act aforesaid is hereby amended so as to read as follows:

Section seven—If the owner of any lost or stray animal shall not appear and prove his property therein within one year after the same is posted, he shall forfeit his right thereto. When the appraised value of any stray or strays of the same species, taken up as aforesaid, does not exceed one hundred dollars, the taker-up shall apply to the Justice of the Peace to whom the return was made, or his successor, for a copy of such return appraisement, with marks and brands, and supposed age; and the taker-up shall forthwith deliver the same to a Constable of the Township, if there be any such, and if not, then to a Constable of a neighboring Township, and the Constable shall immediately advertise such stray or strays for sale, at three public places within the Township, mentioning the time and place of sale, which shall be at least twenty days from the time of advertising, and the sale shall be made at some public place in the Township, if of a horse kind, but if of any other kind, it shall be at the residence of the taker-up, at which time the taker-up shall deliver

Forfeited in one year.

to the Constable such stray or strays, and their increase, if any there be, and take his receipt therefor, and transmit the same to the said Justice of the Peace. The Constable shall proceed to sell the same to the highest bidder, and pay the proceeds of such sale to the said Justice of the Peace. When the appraised value exceeds one hundred dollars, the taker-up shall deliver said copy of marks and brands to the Sheriff of the County in which such stray or strays were taken up, who shall advertise the same in one public newspaper, if there be any published in said County, for the term of thirty days—and if not, he shall advertise by written notice, posted in three or more public places, stating the time and place of sale—at which time and place the taker-up shall deliver such stray or strays, and their increase, if any there be; the Sheriff shall proceed to sell the same to the highest bidder, and after paying the amount awarded to the taker-up by said Justice, and for publishing, he shall pay into the County treasury the residue, reserving six per cent. for his fees, and take the Treasurer's receipt for the same, and transmit it, together with the transcript of the marks and brands of the said stray or strays, to the County Recorder.

SEC. 3. Section eight of said Act is hereby amended so as to read as follows:

Not to be removed.

Section eight—No person taking up any animal under this Act shall sell or dispose of the same in any manner, or remove the same from the County in which it was posted. Any person so offending shall be deemed guilty of larceny, and punished accordingly.

SEC. 4. Section nine of said Act is hereby amended so as to read as follows:

Non-liability

Section nine—If any estray animal dies or escapes from the possession of the taker-up, at any time before the expiration of one year from the taking up, he shall not be held liable in any manner on account of such animal; *Provided*, the death of such animal be not caused by maltreatment, or the escape of such animal be not caused by neglect on the part of the taker-up.

SEC. 5. Section fourteen of said Act is hereby amended so as to read as follows:

Recorded.

Section fourteen—It shall be the duty of the Recorder, upon the receipt of said transcript, to make an entry upon the record, showing that said animal or animals have been sold, or upon receipt of notice from the Justice that said animals have been proven by the owner, he shall make entry of the same. It shall also be his duty to cause a list of all estrays, with a description thereof, to be posted at the door of the Court-House on the first day of the Court next holden after such returns have been made to his office. He shall make out a list of those who have not complied with the provisions of this Act, and transmit the same to the District-Attorney, who shall issue a notice to the delinquent, requesting him to appear before the Justice on a day specified; and show cause, if any he can, why judgment should not be entered against him in favor of the County, for the sum of appraisement and costs. Such notice may be delivered to the Sheriff of the County, or any Constable of the proper Township, and by him served upon the party.

SEC. 6. Section sixteen of said Act is hereby amended so as to read as follows:

Section sixteen—In all cases where any services are performed Fees. by any officer or officers under this Act, their fees shall be allowed as follows: To the Justice, for all services connected with the posting of the animal or animals, which shall include the transcript for the Recorder, two dollars; the County Recorder, for recording transcript and all other services, two dollars; which fees shall be paid by the taker-up. Said taker-up shall be allowed five dollars for taking up such animal or animals taken up at the same time, and one dollar per head per month, for the keeping of the same, provided the same be of cattle; and two dollars, provided the same be of the horse kind; and twenty-five cents, provided the same be sheep or goats.

SEC. 7. It shall be the duty of the Justice of the Peace, upon Percentage. the receipt of the money proceeding from the sale of such stray or strays, to award to the taker-up the amount as provided for in this Act, and pay the same; also, five per cent. of said proceeds to the Constable, and pay the residue to the County Treasurer, taking his receipt for the same, and transmit it to the County Recorder, together with the transcript of marks and brands of the said animal or animals. When the owner of such animal or animals shall appear and prove the same, it shall be the duty of the Justice of the Peace to transmit a notice of the same to the County Recorder.

SEC. 8. Whenever the brand or mark of any animal claimed Notice in case bond is recorded. to be an estray under the provisions of this Act, is recorded in the office of the County Recorder of the County in which such animal may be, it shall be the duty of any person upon whose premises such animal may be, to give the owner of such brand, or ear-mark, so recorded, twenty days' notice of the fact that such animal is claimed by him to be an estray. It shall be unlawful for any person to post or take up any animal as an estray under the provisions of this Act, the brands and ear-marks of which are so recorded, until after such notice has been given.

SEC. 9. The provisions of this Act shall not apply to the Exemption. Counties of Trinity, Tuolumne, Sacramento, and Santa Clara.

CHAP. CXLVII.—*An Act to prevent Stallions from running at large in the County of Sacramento.*

[Approved March 28, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the passage of this Act, it shall Stallions not to run at large. not be lawful for the owner or owners of stallions to allow the same to run at large in the County of Sacramento.

SEC. 2. If any owner or owners, or the agent of such owner Penalty. or owners, shall permit any animal, as aforesaid, contrary to the

first section of this Act, to run at large, it shall be lawful for any person injured thereby to bring suit before any Justice of the Peace, in the proper Township, against the person or persons so offending, who, upon conviction, shall be fined in any sum not less than twenty dollars, nor more than one hundred dollars, to be collected as fines are now collected by law.

In case of
trespass.

SEC. 3. Should any such animal as aforesaid be found trespassing upon lands or possessory claims of another, the person owning the land or possessory claim may take up and safely keep such animal, and when so doing, shall give the owner or owners thereof five days' notice, that such an animal is in his or their possession; and if, at the expiration of the aforesaid time, the owner or owners, or the agent of such owner or owners, shall neglect or refuse to remove such animal, and pay for all reasonable costs for keeping the same, then the owner or owners of the land or possessory claim may cause such animal to be emasculated; *Provided, however*, that the emasculation of such animal shall not release the owner or owners thereof from the penalty imposed by section two of this Act.

Advertise,
where the
owner is
unknown.

SEC. 4. Should the owner or owners of such animal be unknown, then, in that case, it shall be the duty of the person in whose possession the animal may be, to forthwith give notice, with a description of the animal, its marks or brands, in some paper published in the County, for three successive weeks, calling upon the owner or owners to come forward and claim his or their property; and if, at the expiration of one month thereafter, no such owner or owners shall appear, then it shall be the duty of the person having possession of such animal to deliver the same to the Constable of the proper Township, whose duty it shall be to publicly dispose of the same to the highest bidder; and after paying all expenses necessarily connected with such animal, to pay the remainder into the County treasury, to be credited to the Common School Fund; *Provided, however*, that, should the owner or owners make claim to such property previous to sale being made, nothing in this Act shall be so construed as to exempt them from all the expense incurred, or from the penalties imposed therein.

Take effect.

SEC. 5. This Act shall take effect from and after the first day of May, A. D. eighteen hundred and fifty-nine.

CHAP. CXLVIII.—*An Act fixing the Time of holding the Court of Sessions, and County Court, in the County of Tuolumne.*

[Approved March 31, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Court of
Sessions and
County
Court.

SECTION 1. The Courts of Sessions, and County Court, in and for the County of Tuolumne, shall hold a term on the first Monday of January, July, and September, of each

year, and may continue in session until the commencement of the next term, unless all the business of the Courts be sooner disposed of.

SEC. 2. At said terms, the business pertaining to the Courts of Sessions shall be first disposed of, and after that, the business of the County Courts, in the order in which said Courts are named—this order shall be observed as a rule of precedence only—and after the business of one Court is disposed of, the business of the other may be taken up on the same days, in such order as the Judge may determine. Order of business.

SEC. 3. The County Judge of said County may call and hold special terms of said Courts, whenever, in his opinion, the public interests require the same. Special term.

SEC. 4. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed, so far as they relate to the County of Tuolumne. Repealing clause.

CHAP. CXLIX.—*An Act to fix the Compensation of the District-Attorney of the County of Santa Cruz, and to repeal all former Acts in relation thereto.*

[Approved March 31, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The District-Attorney of the County of Santa Cruz shall receive for his services, annually, the sum of six hundred dollars, besides his fees and per centage now allowed by law. \$600 per year

SEC. 2. All laws, and parts of laws, inconsistent and in conflict with this Act, are hereby repealed. Repealing clause.

SEC. 3. This Act shall take effect and be in force from and after the commencement of the next ensuing term of the office of District-Attorney of said County. Take effect.

CHAP. CL.—*An Act to authorize the County Recorder of the County of Tehama to transcribe certain Records in the Counties of Colusa, Shasta, and Butte.*

[Approved March 31, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Recorder of the County of Tehama is hereby authorized and required to transcribe from the County records of the Counties of Colusa, Shasta, and Butte, into well-bound books— Authorized to transcribe certain records.

First—All deeds, mortgages on real estate, releases of mortgages, powers of attorney to convey real estate, and leases for a longer period than one year, affecting, or in any manner concerning, property now lying in the County of Tehama;

Second—All certificates of marriage, or marriage-contracts, solemnized or made within the limits of the County of Tehama;

Third—All wills admitted to probate, affecting property in the County of Tehama;

Fourth—All notices of mechanics' liens on property in the County of Tehama;

Fifth—All transcripts of judgments which by law are made liens upon real estate lying within the limits of the County of Tehama;

Sixth—All notices of attachment upon real estate lying within the limits of the County of Tehama;

Seventh—All notices of the pending of any action affecting real estate in the County of Tehama;

Eighth—All instruments describing or relating to the separate property of married women in the County of Tehama;

Ninth—All notices of pre-emption claims to lands lying in the County of Tehama;

Tenth—All notices of married women, as sole traders, doing business in the County of Tehama.

The Recorder shall note in the margin of the transcript the name of the original volume, and the page or pages from which the same is transcribed.

Transcript
be filed.

SEC. 2. The transcript, when completed, shall be filed in the office of the County Recorder of the County of Tehama, and shall have the same force and effect in law as the original records, and impart notice of the contents thereof from and after the time of filing the same.

Compensation

SEC. 3. The County Recorder, for services rendered under this Act, shall be paid, out of the County treasury of the County of Tehama, at the rate of forty cents per folio of one hundred words. He shall provide the necessary books, under this Act, at the expense of the County of Tehama.

CHAP. CLI.—*An Act explanatory of an Act to amend an Act concerning Notaries Public, passed April thirteenth, eighteen hundred and fifty-seven, passed March sixteenth, eighteen hundred and fifty-nine.*

[Approved March 31, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notaries for
Tuolumne.

SECTION 1. The Act of which this Act is explanatory, shall be so construed and understood as to authorize the appointment and commission of thirteen Notaries Public in and for the County of Tuolumne. All Notaries Public appointed for said County, or

who may hereafter be appointed for said County, under the construction of said Act hereby given, shall be, and they are hereby, vested with all the legal powers of other Notaries Public of this State legally appointed.

CHAP. CLII.—*An Act to provide for the location of Slaughter-houses, Corrals, and Cattle-pens, in the City and County of San Francisco.*

[Approved April 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. All or any slaughter-houses, corrals, or cattle-pens, erected, or hereafter to be erected, in the City and County of San Francisco, otherwise than as is hereinafter provided, are hereby declared to be public nuisances. Nuisances.

SEC. 2. From and after the first day of June, next, it shall not be lawful for any person or persons, to erect, cause to be erected, occupy, or maintain, any slaughter-house, corral, or cattle-pen, in the City and County of San Francisco, unless the same be situated as provided in the next section. Prohibition.

SEC. 3. All slaughter-houses, corrals, or cattle-pens, hereafter erected in the City and County of San Francisco, shall be situated either south of Mission Creek, or west of Larkin and Johnson streets, and from and after the date above mentioned, no building, corral, or cattle-pen, shall be so used, maintained, or occupied, unless so situated; *Provided*, nothing in this Act shall be so construed as to legalize nuisances west of Larkin street. Limits.

SEC. 4. Any person or persons, who may violate the provisions of this Act, shall be liable to a fine, not less than one hundred dollars, nor more than one thousand dollars, or imprisonment in the County-Jail, for not more than thirty days, or both such fine and imprisonment; and the moneys collected for such fines, shall be paid into the County treasury, for school purposes. Penalty.

SEC. 5. All Acts, or parts of Acts, inconsistent herewith, are hereby repealed. Repealing clause.

SEC. 6. Nothing in this Act shall be so construed as to deprive the Courts of any jurisdiction under the law as it now exists.

CHAP. CLIII.—*An Act to procure the translation into the Spanish Language, and to provide for printing, such portions of the Statutes of the years eighteen hundred and fifty, and eighteen hundred and fifty-one, as are now in force.*

[Approved April 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Translating
and printing

SECTION 1. The Secretary of State is hereby authorized and directed to contract with Miguel Smith, agent of the estate of W. E. P. Hartnell, deceased, for the translation and indexes required for the publication of the laws embraced in the schedule annexed to the Concurrent-Resolution relative to the printing and distribution of certain laws in Spanish, found on pages three hundred and sixty-one, three hundred and sixty-two, three hundred and sixty-three, three hundred and sixty-four, and three hundred and sixty-five, of the Statutes of eighteen hundred and fifty-eight, under the schedule of laws of eighteen hundred and fifty, and eighteen hundred and fifty-one, now in force, and for the correction of the proof-sheets thereof, for the Printer, at a rate not to exceed fifty cents per folio, to be paid out of the fund for translation of laws, under the direction of the Board of Examiners. The sum of one thousand dollars is hereby appropriated, to defray the expenses incurred under the provisions of this section.

200 copies.

SEC. 2. The Secretary of State shall cause to be printed, and bound, two hundred copies of the same, and to distribute them in the manner prescribed by law for the distribution of the Statutes in the Spanish language. The expense of printing and binding shall be paid out of the Printing Fund, according to law.

CHAP. CLIV.—*An Act to authorize the Executors of Thomas O. Larkin, deceased, to sell and convey certain Real Estate.*

[Approved April 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authorized
to sell real
estate.

SECTION 1. The present or future acting executors of Thomas O. Larkin, deceased, are hereby authorized to sell, at public or private sale, at their discretion, and without having first obtained an order of the Probate Court therefor, such portions of the real estate of the said Thomas O. Larkin, deceased, as, in the judgment of the said executors, shall most promote the interests of those who are entitled to said estate.

Titles to be
considered
valid.

SEC. 2. On making such sale, or sales, the said executors may convey the property so sold to the purchaser, or purchasers,

thereof, and receive the purchase-money therefor, and the titles so conveyed shall be as valid as if made under an order of the proper Probate Court in the due course of law.

SEC. 3. The said executors shall, from time to time, and as ^{Account.} often as they shall be required by the Probate Court having jurisdiction of the estate of the said Larkin, and the administration thereof, render to said Court a correct and accurate account of the lands so sold, to whom sold, and at what price, and shall account for the proceeds of such sales as for other assets in their hands pertaining to said estate.

SEC. 4. Nothing in this Act contained shall be so construed ^{will.} as to contravene any of the provisions of the last will and testament of the said Thomas O. Larkin, deceased.

CHAP. CLV.—*An Act supplemental to an Act entitled an Act to amend an Act to regulate Proceedings in Civil Cases, passed April twenty-ninth, eighteen hundred and fifty-one, approved February twenty-first, eighteen hundred and fifty-nine.*

[Approved April 2, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Nothing in section one, two, and three, of an Act ^{Counties} entitled an Act to amend an Act to regulate proceedings in civil ^{exempted.} cases, approved February twenty-first, eighteen hundred and fifty-nine, shall be so construed as to apply to the Counties of Solano, Fresno, Tulare, Calaveras, Sutter, Sonoma, Butte, Mariposa, Yolo, Contra Costa, Tehama, Los Angeles, Monterey, Plumas, San Bernardino, Stanislaus, San Joaquin, Yuba, Merced, Trinity, Humboldt, Klamath, Del Norte, Tuolumne, Santa Cruz, Shasta, Napa, El Dorado, Placer, Santa Barbara, San Luis Obispo, Marin, Mendocino, Alameda, Santa Clara, and Amador. But said Counties shall be governed, in reference to the subject-matter of said sections one, two, and three, by the provisions of the laws in force prior to the passage of the said Act of February twenty-first, eighteen hundred and fifty-nine.

SEC. 2. This Act shall take effect, and be in force, from and ^{Take effect.} after the twentieth day of May, eighteen hundred and fifty-nine.

CHAP. CLVI.—*An Act to remedy the loss of a certain Certificate of the Mokelumne Hill Canal and Mining Company.*

[Approved April 2, 1859.]

Whereas, The Mokelumne Hill Canal and Mining Company has ^{Preamble.} *filed in the office of the Secretary of State, on the twenty-third*

day of March, eighteen hundred and fifty-nine, a certificate, showing the incorporation of the said Company in the month of November, eighteen hundred and fifty-two, and an affidavit attached to said certificate, showing that a copy of said certificate had been filed in the Secretary of State's office in November, eighteen hundred and fifty-two; *And whereas*, the original certificate, so filed in November, eighteen hundred and fifty-two, can not, after diligent search, be found in the Secretary of State's office: Therefore—

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Now
certificate.

SECTION 1. The certificate of incorporation of the Mokelumne Hill Canal and Mining Company, filed in the office of the Secretary of State on the twenty-third day of March, eighteen hundred and fifty-nine, shall be as effective as if filed in November, eighteen hundred and fifty-two, and shall be evidence of all the facts stated and contained in said certificate, to all intents and purposes, in all the Courts of this State.

CHAP. CLVII.—*An Act Supplemental to an Act entitled an Act granting certain powers to the Board of Education of the City and County of San Francisco, approved April twenty-sixth, eighteen hundred and fifty-eight.*

[Approved April 4, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized
to sell
certain
real estate.

SECTION 1. E. W. Burr, President of the Board of Supervisors of said City and County of San Francisco, and his successors, shall be, and are hereby, authorized, empowered, and required, whenever thereto requested by said Board of Education, to make, execute, and deliver, to said Board of Education—trustees, as aforesaid—a good and sufficient deed, of all the title of the City and County of San Francisco, in and to that portion of one-hundred-vara lot, number two hundred and seventy-four, situated at the north-east intersection of Bryant and Price streets, in said City, conveyed to the City of San Francisco, by Louis Bonvallot, and Anie Roni, at the special instance and request of Austin E. Smith, in compliance with ordinance of said City, number one thousand and thirty-three, approved June thirtieth, eighteen hundred and fifty-six, and which said premises are more particularly described in said deed, recorded in the Recorder's office of said City and County, in book number sixty-two of deeds, page four hundred and ninety-two; and said Board of Education are hereby authorized, empowered, and required, whenever the deed from the said President shall have been executed, to release, relinquish, and convey to the said Austin E. Smith, and his heirs,

all their right, title, and interest, in and to one-hundred-vara lot number two hundred and fifty-eight, and more particularly described in a deed from James Van Ness, Mayor of the City of San Francisco, to Austin E. Smith, recorded in the Recorder's office of said City and County, in book number sixty-two of deeds, on page four hundred and ninety-one, and in confirmation of the title so conveyed by said City to said Austin E. Smith. Power to sue.

SEC. 2. The said Board of Education, as such trustees, shall have full power, in their own name, as the Board of Education of the City and County of San Francisco—trustees as aforesaid—to sue for any and all lots, and any and all lands and property granted, deeded, conveyed, or belonging to said Board of Trustees, as aforesaid, and to prosecute all actions, at law or in equity, necessary to recover and receive the full enjoyment and possession of the same, and further, to do any and all lawful acts necessary thereto.

CHAP. CLVIII.—*An Act to provide for levying Taxes for State and County purposes, in Solano County, for the year A. D. eighteen hundred and fifty-nine.*

[Approved April 5, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of Solano County are on Monday, the eleventh day of April, A. D. eighteen hundred hereby required to meet at the County-seat of Solano County, and fifty-nine, for the purpose of levying all taxes necessary for State and County purposes, for the year A. D. eighteen hundred and fifty-nine. Levying taxes for 1859.

SEC. 2. The taxes levied at such meeting of the Board of Supervisors of said County, shall have the same force and effect, and be in all respects as legal and binding, as if they had been regularly levied on or before the first Monday of March, A. D. eighteen hundred and fifty-nine. Effect and force.

CHAP. CLIX.—*An Act to provide for the payment of Judgments against the City, the County, and the City and County of San Francisco.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the City and County

Ascertain
amount.

of San Francisco shall immediately ascertain the amount to which the City and County of San Francisco is indebted upon all final judgments against the City of San Francisco, and against the County of San Francisco, and against the City and County of San Francisco, upon which judgments the time for appeal has passed, or upon which the said City and County does not intend to appeal.

Liquidation.

SEC. 2. The amount so ascertained shall be added by said Board of Supervisors to the tax authorized by law to be raised for all other purposes, for the fiscal year eighteen hundred and fifty-nine, eighteen hundred and sixty, by taxation upon the real and personal property subject to taxation in said City and County, and the said amount, so added, shall be levied as a special tax, and thereupon shall be collected in like manner as other taxes, and shall constitute a Special Fund in the treasury of said City and County, upon which the Board of Supervisors of said City and County are hereby authorized to allow demands for the payment of said judgments, which judgments shall have priority in payment according to their date, and the Auditor of said City and County may thereupon audit, and the Treasurer pay, the said demands.

CHAP. CLX.—*An Act to audit certain Claims.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Avaline.

SECTION 1. The claim of O. D. Avaline, for publishing proclamations of the Governor of the State, in the month of October, A. D. one thousand eight hundred and fifty-six, the sum of twenty-three dollars, is hereby audited and allowed.

Johnson.

And the claim of Woodworth Johnson, for work done at Insane Asylum in the month of December, A. D. one thousand eight hundred and fifty-six, the sum of twenty dollars, is hereby audited and allowed.

CHAP. CLXI.—*An Act to audit and allow the Claim of Adam Schuppert.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

\$1,344 31.

SECTION 1. The claim of Adam Schuppert, for printing and translating, in the German language, the report of the Superin-

tendent of Public Instruction, in the year eighteen hundred and fifty-six, the sum of one thousand three hundred and forty-four dollars and thirty-one cents, is hereby audited and allowed.

CHAP. CLXII.—*An Act in relation to Trial-Jurors in the Court of Sessions and County Courts of certain Counties of this State.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The trial-jury summoned for the Court of Sessions in the Counties of Placer, San Mateo, San Luis Obispo, Del Norte, Sonoma, Mendocino, and Marin, shall be the Trial-jury for the County Courts of said Counties; *Provided*, that nothing contained herein shall be held to entitle any juror to received pay out of the County treasury of said County for more than service in one Court, less the amount he may have received at such term as fees paid by parties in civil or criminal cases.

Court of Sessions and County Court.

CHAP. CLXIII.—*An Act to regulate the Fees of certain Officers in Amador County.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Such fees are allowed to the officers herein named, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive, the same.

Fees of officers.

SEC. 2. The fees of the Clerk of the District Court shall be as follows :

Clerk of the District Court.

For entering each suit on the register of actions, and making the necessary entries therein, for each folio, twenty-five cents.

For issuing every writ or process, under seal, seventy-five cents.

For issuing a subpoena, for each witness, fifteen cents.

For filing each paper, fifteen cents.

For entering every motion, rule, order, or default, thirty-five cents.

For entering every discontinuance, dismissal, or non-suit, thirty-five cents.

For entering every cause on the calendar, and making a copy for the bar, for each term of the Court, seventy-five cents.

For calling and swearing every jury, seventy-five cents.

For receiving and entering each verdict of a jury, seventy-five cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

For filing judgment-roll, twenty-five cents

For entering judgment on judgment-docket, thirty-five cents.

For entering satisfaction of judgment, seventy-five cents.

For administering every oath or affirmation, twenty cents.

For certifying every oath or affirmation, twenty cents.

For copy of any proceeding, record, or paper, for each folio, twenty-five cents.

For every certificate under seal, seventy-five cents.

For searching the files of each year, in his office—but not to charge suitors or attorneys—seventy-five cents.

For issuing every commission to take testimony, seventy-five cents.

For taking down testimony of witnesses during trial, for each folio, twenty-five cents.

For issuing every execution or other final process, seventy-five cents.

For issuing every decree, or order of sale of mortgaged property, seventy-five cents.

For issuing writ of injunction or attachment, seventy-five cents.

For entering judgment by confession, the same fees as in other cases for entering judgment.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For taking each bond required by law, fifty cents; for justification thereto, fifty cents.

For acknowledgment of deed or other instrument, including all writing and the seal, for each name thereto, seventy-five cents.

When the Court is sitting as a Court of Criminal Jurisdiction, he shall receive, for the trial of each issue, three dollars.

He shall receive no other fee, for any services whatever, in a criminal action or proceeding, except for copies of papers, for each folio, twenty-five cents.

Clerk of the
County
Court.

SEC. 3. The fees of the Clerk of the County Court shall be allowed as follows:

For filing all the papers sent on appeal from Justices' Courts, in each cause, one dollar.

For all other services, the same fees as are allowed in the District Court for similar services.

Clerk of the
Court of
Sessions.

SEC. 4. The Clerk of the Court of sessions shall receive the same fees as are allowed the Clerk of the District Court in criminal cases.

Clerk of the
Probate
Court.

SEC. 5. The fees of the Clerk of the Probate Court shall be as follows:

For issuing letters testamentary, or of administration, seventy-five cents.

For certificate of appointment of appraisers or guardians, seventy-five cents.

For writing and posting notices when required, for each copy, fifty cents.

For notice given by publication, in addition to the cost of publication, fifty cents.

For recording wills, for each folio, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

Sec. 6. The fees of the County Recorder shall be as follows: County Recorder.

For recording any instrument, paper, or notice, when required, for each folio, twenty-five cents.

For copies of any record or paper, per folio, twenty-five cents.

For filing or receiving every instrument for record, and making the necessary entries thereon, twenty-five cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, for every such instrument, paper, or notice, twenty-five cents.

For every certificate, under seal, to copies of records or papers in his office, when required, fifty cents.

For every entry of discharge of mortgage on margin of record, twenty-five cents.

For searching records and files of each year, in his office, when required, twenty-five cents.

For abstract or certificate of title, when required, for each conveyance or incumbency certified, seventy-five cents.

For recording every Town-plat, for every course, fifteen cents.

For figures and lettering plats and maps, per folio, seventy-five cents.

For taking and writing acknowledgments, including seal, for each signature, fifty cents.

For filing and entering a minute of certificate of Sheriff's sale, twenty-five cents.

For filing and entering a minute of certificate of tax sale, twenty-five cents.

For recording marriage certificate, seventy-five cents.

For filing and keeping each paper not required to be recorded, and indorsing same, if required, twenty-five cents.

Sec. 7. The fees of the Sheriff shall be as follows: Sheriff.

For serving a summons and complaint, or any other process by which an action or proceeding is commenced, on every defendant, one dollar and fifty cents.

For traveling, in making such service, per mile, in going only, to be computed in all cases from the Court-house of the County, thirty cents; *Provided*, that if any two or more papers require to be served in the same suit, at the same time, one mileage only shall be charged.

For taking bond or undertaking in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, twenty-five cents.

For serving every notice, rule, or order, seventy-five cents.

Sheriff.

For serving a subpoena, for each witness summoned, twenty-five cents.

For traveling, per mile, in serving each subpoena or venire, in going only, but when two or more witnesses or jurors live in the same direction, traveling fees shall be charged only for the most distant, thirty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, and with traveling fees, as on a summons, two dollars.

For serving an attachment upon any ship, boat, or vessel, in proceedings to enforce any lien thereon created by law, three dollars.

For making and posting notices and advertising property for sale on execution, or under any judgment or order of sale, not to include the cost of publication in newspaper, two dollars.

For commissions for receiving and paying over money on execution or process, when lands or personal property has been levied on, advertised and sold, on the first one thousand dollars, three per cent; on all sums above that amount, one and half per cent.

For commissions for receiving and paying over money on execution without levy, or when the land or goods levied on shall not be sold, two per cent. on the first one thousand dollars, and one and a-half per cent. on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on an execution, shall be collected from the defendant by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgments thereof, three dollars.

For serving a writ of possession or restitution, putting any person entitled into the possession of premises, and removing the occupant, three dollars.

For travel in the service of any process not herein before mentioned, for each mile necessarily traveled, in going only, thirty cents.

For attending, when required, on any Court, in person or by deputy, for each day, to be paid out of the County treasury, four dollars.

For bringing up a prisoner on *habeas corpus*, to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, one dollar and fifty cents.

He shall also receive, for his trouble and expense in taking possession of property under attachment or execution, or other process, and in preserving the same, such compensation as the Court from which the writ or order may issue, shall certify to be just and reasonable.

For holding each inquest or trial of right of property, when required, to include all service in the matter except mileage, four dollars.

For attending on Supreme Court, either in person or by de-

puty, to be paid out of the State treasury as other claims, for each day, four dollars.

For making every arrest, in a criminal proceeding, two dollars.

For serving each subpoena, in criminal proceedings, twenty-five cents.

For executing every sentence of death, thirty-five dollars.

For summoning a grand-jury of twenty-four, twelve dollars.

For summoning each trial-jury of twelve persons, five dollars.

For each additional juror, thirty cents.

For service of any process in criminal cases, for each mile necessarily traveled, fifteen cents; and the same mileage for taking prisoners before a magistrate, or to prison.

In serving subpoenas or venirens in criminal cases, he shall receive mileage for the most distant only, when witnesses or jurors live in the same direction.

For all services in Justices' Courts, the same fees allowed to Constables.

SEC. 8. The first, fifth, sixth, seventh, eighth, ninth, and tenth, sections of an Act entitled an Act to regulate fees in office, approved April tenth, one thousand eight hundred and fifty-five, so far as the same applies to the County of Amador, are hereby repealed; but nothing herein contained shall be deemed to affect the other provisions of said Act applicable to said County; but such provisions shall apply and extend to the officers and fees herein named. Repealing clause.

SEC. 9. This Act shall take effect at the expiration of the terms of office of the present incumbents. Take effect.

CHAP. CLXIV.—*An Act for the relief of Michael Fennel.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and ^{\$25,000.} required to draw his warrant in favor of Michael Fennel, (for loss sustained on contract for the erection of the north wing of the Insane Asylum,) for the sum of six thousand dollars, and the same is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated.

CHAP. CLXV.—*An Act to appropriate money to pay Chas. Forman, and Alfred H. Estill, for writing Senate Journals, Ninth Session.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

§270.

SECTION 1. The sum of two hundred and seventy dollars (\$270) is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to pay Chas. Forman and Alfred H. Estill, for writing up Senate Journals, Ninth Session of the Legislature.

CHAP. CLXVI.—*An Act to change the Name of Jacob Schlechwey to that of Jacob Robinson.*

[Became a Law by operation of the Constitution, April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Change of
name.

SECTION 1. That the name of Jacob Schlechwey be, and the same is hereby, changed to that of Jacob Robinson, and, by such latter name, shall enjoy and obtain all legal rights that he might or could have under his former and original name.

SEC. 2. This Act shall take effect and be in force from and after its passage.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this sixth day of April, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CLXVII.—*To appropriate Money for the payment of certain Claims.*

[Approved April 6, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Corcoran.

SECTION 1. The following sums of money are hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, for the objects hereinafter expressed, viz., the sum of two hundred dollars, for the purpose of paying F. E. Corcoran, as Superintendent and Architect of the west wing of Insane

Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven :

And the sum of five hundred and sixty-two dollars, for the purpose of paying William V. Fisher, for milk supplied the Insane Asylum in the months of March, April and May, A. D. one thousand eight hundred and fifty-eight. Fisher.

And the sum of two hundred and fifty dollars, for the purpose of paying William Gravatt, for services as Steward at the Insane Asylum in the months of April and May, A. D. one thousand eight hundred and fifty-eight. Gravatt.

And the sum of four hundred and eighty-one dollars and ninety-one cents, for the purpose of paying Luschinger & Hubbard for furniture, bedding, etc., furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and in the months of April and May, A. D. one thousand eight hundred and fifty-eight. Luschinger and Hubbard

And the sum of one hundred and thirty-four dollars, for the purpose of paying D. J. Oullahan, for stove-wood furnished the Insane Asylum in the months of March and April, A. D. one thousand eight hundred and fifty-eight. Oullahan.

And the sum of two thousand eight hundred and sixty-nine dollars and ninety-eight cents, for the purpose of paying William Ward, for meat supplied the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and the months of February, April, May, and June, A. D. one thousand eight hundred and fifty-eight. Ward.

And the sum of one hundred and seventy dollars and ninety-five cents, for the purpose of paying L. C. Van Allen, for books and stationery furnished the Insane Asylum in the months of January and December, A. D. one thousand eight hundred and fifty-seven, and in the months of January, March, April, and May, A. D. one thousand eight hundred and fifty-eight. Van Allen.

And the sum of two hundred and sixty-eight dollars and sixty-four cents, for the purpose of paying D. Cohen, for clothing, vegetables, and supplies, furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven. Cohen.

And the sum of thirty dollars, for the purpose of paying Joseph Ware, for services as Messenger to the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight. Ware.

And the sum of seventy-five dollars, for the purpose of paying J. W. Boucher, for services as Keeper at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight. Boucher.

And the sum of seventy-five dollars, for the purpose of paying E. M. Botts, for services as Clerk at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight. Botts.

And the sum of sixty dollars, for the purpose of paying William Weeks, for services as Assistant Keeper at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight. Weeks.

And the sum of sixty dollars, for the purpose of paying James A. Rogers, for services as Watchman at the Insane Asylum in the Rogers.

month of May, A. D. one thousand eight hundred and fifty-eight.

Smith. And the sum of eighty-two dollars and fifty cents, for the purpose of paying — Smith, for services as Keeper at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

Nash and Beamis. And the sum of three hundred and sixty-eight dollars and thirty-five cents, for the purpose of paying Nash & Beamis, for boots and shoes supplied the Insane Asylum in the months of March, April, and May, A. D. one thousand eight hundred and fifty-eight.

Mills and Doll. And the sum of four hundred and ninety-five dollars and seven cents, for the purpose of paying Mills & Doll, for hardware and tinware furnished the Insane Asylum in the months of March, April, and May, A. D. one thousand eight hundred and fifty-eight.

Gray and Hickman. And the sum of nine hundred and twenty-one dollars and ninety-six cents, for the purpose of paying Gray & Hickman, for supplies furnished the Insane Asylum in the months of March, April, and May, A. D. one thousand eight hundred and fifty-eight.

Frank. And the sum of seventy-five dollars, for the purpose of paying — Frank, for services as Keeper at the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.

Welch. And the sum of seventy-five dollars, for the purpose of paying — Welch, for services as Keeper at the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.

And the sum of forty dollars, for the purpose of paying Mrs. Welch, for services as Washer at the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.

Weeks. And the sum of fifty-eight dollars, for the purpose of paying William Weeks, for services as Assistant Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of sixty dollars, for the purpose of paying William Weeks, for services as Assistant Keeper of the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

Botts. And the sum of seventy-five dollars, for the purpose of paying Ed. M. Botts, for services as Clerk at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

Paige. And the sum of six hundred and one dollars and fifty-six cents, for the purpose of paying Timothy Paige, for lumber supplied the Insane Asylum in the months of March and April, A. D. one thousand eight hundred and fifty-eight.

Roberts. And the sum of eighteen dollars, for the purpose of paying Mary Roberts, for services as Housemaid at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of thirty dollars, for the purpose of paying Mary Roberts, for services as Keeper at the Insane Asylum in

the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of thirty dollars, for the purpose of paying Mary Roberts, for services as Housemaid at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Boucher. J. W. Boucher, for services as Keeper at the Insane Asylum in the month of February, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Boyd. John Boyd, for services as Keeper at the Insane Asylum in the month of February, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Szaroarh. S. I. Szaroarh, for services as Cook at the Insane Asylum in the month of February, A. D. one thousand eight hundred and fifty-eight.

And the sum of sixty dollars, for the purpose of paying Teeter. William Teeter, for services as Assistant Keeper at the Insane Asylum in the month of February, A. D. one thousand eight hundred and fifty-eight.

And the sum of twenty-eight dollars, for the purpose of paying Szaroarh. S. I. Szaroarh, for services as Cook at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of thirty-two dollars and fifty cents for the purpose of paying Teeter. William Teeter, for services as Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Boucher. J. W. Boucher, for services as Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Boyd. John Boyd, for services as Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying John Boyd, for services as Keeper at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of fifty dollars, for the purpose of paying Bridget Kelsey. Bridget Kelsey, for services as Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of fifty dollars, for the purpose of paying Bridget Kelsey, for services as Keeper at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of fifty dollars, for the purpose of paying Bridget Kelsey, for services as Keeper at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

Melbourne. And the sum of seventy dollars, for the purpose of paying Jacob Melbourne, for services as Cook at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy dollars, for the purpose of paying Jacob Melbourne, for services as Cook at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

Trainer. And the sum of sixty dollars, for the purpose of paying James Trainer, for services as Assistant Keeper at the Insane Asylum in April, A. D. one thousand eight hundred and fifty-eight.

And the sum of sixty dollars, for the purpose of paying James Trainer, for services as Assistant Keeper at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

McNutt. And the sum of seventy-five dollars, for the purpose of paying Jacob McNutt, for services as Carpenter at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Jacob McNutt, for services as Carpenter at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Jacob McNutt, for services as Carpenter at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

Gilloney. And the sum of fifty dollars, for the purpose of paying Delia Gilloney, for services as Cook at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of fifty dollars, for the purpose of paying Delia Gilloney, for services as Cook at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

Teresa. And the sum of seventy-five dollars, for the purpose of paying William Teresa, for services as Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying William Teresa, for services as Keeper at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying William Teresa, for services as Keeper at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

McCarthy. And the sum of twenty-seven dollars, for the purpose of paying Mary McCarthy, for services as Keeper at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of forty-five dollars, for the purpose of paying Mary McCarthy, for services as Keeper at the Insane Asylum

in the month of May, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-five dollars, for the purpose of paying Boucher. J. W. Boucher, for services as Keeper at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of thirty dollars, for the purpose of paying Wan. Joseph Wan, for services as Messenger at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

And the sum of eighty dollars, for the purpose of paying Duke. William Duke, for services as Gardener at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of eighty dollars, for the purpose of paying William Duke, for services as Gardener at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of eighty dollars, for the purpose of paying William Duke, for services as Gardener at the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

And the sum of one hundred and twenty-five dollars, for the purpose of paying M. Healey, for services as Matron of the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of one hundred and twenty-five dollars, for the purpose of paying M. Healey, for services as Matron at the Insane Asylum in month of May, A. D. one thousand eight hundred and fifty-eight.

And the sum of thirty dollars, for the purpose of paying Wood. Henry Wood, for services as Waiter at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of sixty dollars, for the purpose of paying Rogers. James H. Rogers, for services as Watchman at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of sixty dollars, for the purpose of paying Atwill. Jesse Atwill, for services as Assistant Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of fifty dollars, for the purpose of paying Gilloney. Delia Gilloney, for services as Cook at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of twenty dollars, for the purpose of paying Wan. Joseph Wan, for services as Messenger at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of thirty-five dollars, for the purpose of paying Melbourne. Jacob Melbourne, for services as Cook at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

- Botts.** And the sum of seventy-five dollars, for the purpose of paying E. M. Botts, for services as Clerk at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.
- Trainer.** And the sum of sixty dollars, for the purpose of paying James Trainer, for services as Assistant Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.
- Sanders & Hickman.** And the sum of fifty-one dollars and thirty-two cents, for the purpose of paying Sanders and Hickman, for hardware supplied the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.
- Vilhac.** And the sum of thirty-four dollars and fourteen cents, for the purpose of paying L. Vilhac, for vegetables furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.
- Depois.** And the sum of seventy-six dollars and five cents, for the purpose of paying F. Depois, for vegetables furnished the Insane Asylum in the months of February and March, A. D. one thousand eight hundred and fifty-eight.
- North.** And the sum of forty-six dollars and seventy cents, for the purpose of paying H. M. North, for vegetables furnished the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.
- Bowen.** And the sum of one thousand and fifty-one dollars and thirty-six cents, for the purpose of paying C. R. Bowen & Co., for groceries supplied the Insane Asylum in the months of April, May, and June, A. D. one thousand eight hundred and fifty-eight.
- Bird.** And the sum of one hundred and thirty-three dollars and seventy-five cents, for the purpose of paying M. L. Bird & Co., for plows, harness, saddlery, etc., furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and in the months of January, February, March, April, and May, A. D. one thousand eight hundred and fifty-eight.
- Simpson and Gray.** And the sum of forty-two dollars and seventy-one cents, for the purpose of paying Simpson & Gray, for lumber furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and in the month of March, A. D. one thousand eight hundred and fifty-eight.
- Hall and Higgins.** And the sum of fifty dollars and ninety-three cents, for the purpose of paying Hall & Higgins, for vegetables furnished the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.
- Houche.** And the sum of one hundred and sixty-three dollars and eighty-two cents, for the purpose of paying J. B. Houche, for groceries supplied the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.
- Noble.** And the sum of one hundred and twelve dollars and eighty-three cents, for the purpose of paying R. W. Noble, for butter and eggs furnished the Insane Asylum in the months of March and April, A. D. one thousand eight hundred and fifty-eight.
- Gross.** And the sum of two thousand nine hundred and seventy-six dollars and eighty-six cents, for the purpose of paying John Gross & Co., for bread supplied the Insane Asylum in the month

of January, A. D. one thousand eight hundred and fifty-seven, and in the months of January, March, April, and May, A. D. one thousand eight hundred and fifty-eight.

And the sum of one hundred dollars, for the purpose of paying ^{Christy.} S. P. Christy, for services as Hospital Steward at the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.

And the sum of four hundred and thirty-five dollars and one cent, for the purpose of paying ^{Eldridge and Brothers.} Eldridge & Bro., for vegetables furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and in the months of March and April, A. D. one thousand eight hundred and fifty-eight.

And the sum of thirty-two dollars and ninety-two and one-half cents, for the purpose of paying S. Selig & Bro., for tobacco furnished the Insane Asylum in the months of March and May, one thousand eight hundred and fifty-eight.

And the sum of one hundred and twenty-four dollars and thirty-three cents, for the purpose of paying ^{Stockwell & Underhill.} Stockwell & Underhill, for dry goods, etc., furnished the Insane Asylum in the months of March and April, A. D. one thousand eight hundred and fifty-eight.

And the sum of one hundred and twenty dollars, for the purpose of paying ^{Atwill.} Jesse Atwill, for services as Assistant Keeper at the Insane Asylum in the months of April and May, A. D. one thousand eight hundred and fifty-eight.

And the sum of sixty dollars, for the purpose of paying ^{Rogers.} James A. Rogers, for services as Watchman at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of one hundred and thirty-five dollars, for the ^{Benjamin.} purpose of paying Charles Benjamin and wife, for services as Keepers of the Male and Female Wards at the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.

And the sum of five hundred and seventy-four dollars and thirty cents, for the purpose of paying ^{Compton.} H. T. Compton, for groceries supplied the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of one hundred and twenty-five dollars, for the ^{Gordon.} purpose of paying P. E. Gordon, for services as Steward at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of one hundred dollars, for the purpose of paying ^{Gravatts.} William Gravatts, for services as Supervisor at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of twenty-three dollars and thirty-three cents, ^{Hayes.} for the purpose of paying Isabella Hayes, for services as Female Keeper at the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of twenty dollars, for the purpose of paying Bartholomew Hayes, for services as Assistant Keeper at the Insaen

Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

Woods. And the sum of thirty dollars, for the purpose of paying Henry Woods, for services as Waiter at the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

Hale and Wheeler. And the sum of two hundred and ninety-six dollars and thirty-five cents, for the purpose of paying Hale and Wheeler, for vegetables furnished the Insane Asylum in the months of April and May, A. D. one thousand eight hundred and fifty-eight.

Fox & O'Connor. And the sum of one hundred and seventy-three dollars, for the purpose of paying Fox & O'Connor, for liquors furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and in the months of February, April, and May, A. D. one thousand eight hundred and fifty-eight.

Blayne Brothers. And the sum of seventy-one dollars, for the purpose of paying Bisayne Bros., for merchandise supplied the Insane Asylum in the months of January, March, and April, A. D. one thousand eight hundred and fifty-eight.

Rolland and McCahill. And the sum of sixty-seven dollars and ten cents, for the purpose of paying Rolland and McCahill, for dry goods furnished the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

Greenley. And the sum of two hundred and fifty-seven dollars and ninety-five cents, for the purpose of paying Chas. P. Greenley & Co., for hardware furnished the Insane Asylum in the months of March, April, May, and November, A. D. one thousand eight hundred and fifty-eight.

Langley. And the sum of two hundred and twenty-seven dollars and eighty-six cents, for the purpose of paying E. O. Langley & Co., for medicines [furnished] the Insane Asylum in the months of February, March, April, and May, A. D. one thousand eight hundred and fifty-eight.

Kieraki. And the sum of forty-six dollars, for the purpose of paying Kierski & Bro., for paper and stationery supplied the Insane Asylum in the months of March, April, and May, A. D. one thousand eight hundred and fifty-eight.

Hart. And the sum of one hundred and twenty-four dollars and forty-seven cents, for the purpose of paying W. Hart, for blacksmithing for the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and the months of January, February, and March, one thousand eight hundred and fifty-eight.

Webster. And the sum of one hundred and six dollars and ninety-one cents, for the purpose of paying W. W. Webster, for merchandise supplied the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven, and the months of March, April, May, and November, A. D. one thousand eight hundred and fifty-eight.

Luchsinger & Hubbard. And the sum of fifty-three dollars and forty-four cents, for the purpose of paying Luchsinger & Hubbard, for mattresses supplied the Insane Asylum in the month of November, A. D. one thousand eight hundred and fifty-eight.

Mills & Doll. And the sum of two hundred and thirty-three dollars and

ninety-three cents, for the purpose of paying Mills & Doll, for work done and materials furnished the Insane Asylum in the months of October and November, A. D. one thousand eight hundred and fifty-eight.

And the sum of seventy-eight dollars, for the purpose of paying Volney Cushing, for bill of castings furnished the Insane Asylum in the month of April, A. D. one thousand eight hundred and fifty-eight.

And the sum of forty dollars and thirty cents, for the purpose of paying G. V. Fisher, for work done at the Insane Asylum in the months of October and November, A. D. one thousand eight hundred and fifty-eight.

And the sum of ten dollars, for the purpose of paying George H. Sanderson, for crockery supplied the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-eight.

And the sum of ten dollars, for the purpose of paying Charles S. Morris & Co., for rubber boots and pants furnished the Insane Asylum in the month of January, A. D. one thousand eight hundred and fifty-seven.

And the sum of forty-five dollars and ninety-two cents, for the purpose of paying O. C. Gage, for paints, oil, etc., furnished the Insane Asylum in the month of November, A. D. one thousand eight hundred and fifty-eight.

And the sum of three dollars and seventy-five cents, for the purpose of paying A. S. Gage & Co., for paint furnished the Insane Asylum in the month of May, A. D. one thousand eight hundred and fifty-eight.

And the sum of twenty-seven dollars and eighty cents, for the purpose of paying A. S. Gage, for paints, etc., furnished the Insane Asylum in the month of March, A. D. one thousand eight hundred and fifty-eight.

And the sum of two hundred and sixty-eight dollars and two cents, for the purpose of paying Timothy Paige, for lumber furnished the Insane Asylum in the month of February, A. D. one thousand eight hundred and fifty-eight.

CHAP. CLXVIII.—*An Act amendatory of an Act entitled "An Act authorizing the Treasurer of State to issue Bonds for the Payment of Expenses incurred in the Suppression of Indian Hostilities, in certain Counties in this State," approved April twenty-fifth, eighteen hundred and fifty-seven.*

[Approved April 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section one—A sum not exceeding four hundred and forty \$44,000.

thousand dollars is hereby appropriated, and set apart as a "War Fund," payable out of any moneys which may be appropriated by Congress, to this State, to defray the expenses incurred in the suppression of Indian hostilities, as specified in this Act.

SEC. 2. Section two of said Act is hereby amended so as to read as follows :

Board of
Examiners.

Section two—The Treasurer, Controller, and Quartermaster-General, of this State, are hereby constituted a Board of Examiners, and are authorized and required to examine and audit accounts for claims for services rendered, and supplies furnished, for the expedition against the Indians in Siskiyou County, since the year one thousand eight hundred and fifty, and for property destroyed by the Indians in said County since that year; *Provided*, the same do not exceed the sum of two hundred and nine thousand dollars.

Humboldt,
Klamath,
and Del
Norte.

Also, for services rendered, and supplies furnished, for the expeditions against the Indians in the Counties of Humboldt, Klamath, and Del Norte, since the year one thousand eight hundred and fifty, and for property destroyed, and losses sustained, by Indian depredations, in said Counties of Humboldt, Klamath, and Del Norte, since the year one thousand eight hundred and fifty; *Provided*, the same do not exceed the sum of one hundred and twenty thousand dollars.

Tulare.

Also, for services rendered, and supplies furnished, for the expedition against the Indians in the County of Tulare, for the year A. D. one thousand eight hundred and fifty-six; *Provided*, the same do not exceed the sum of ten thousand dollars.

Sutter.

Also, for services rendered and supplies furnished, for the expedition against the Indians in the County of Sutter, for the year A. D. one thousand eight hundred and fifty; *Provided*, the same do not exceed the sum of five thousand dollars.

San Bernar-
dino.

Also, for services rendered, and supplies furnished, for the expedition against the Indians in the County of San Bernardino, from the year A. D. one thousand eight hundred and fifty-two, to one thousand eight hundred and fifty-six; *Provided*, the same do not exceed one thousand dollars.

Nevada.

Also, for services rendered, and supplies furnished, for the expedition against the Indians in the County of Nevada, for the years A. D. one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one; and for property destroyed, and losses sustained, by Indian depredations, in said County, during said years; *Provided*, the same do not exceed the sum of fifteen thousand dollars.

Los Angeles.

Also, for the expedition, wars, and depredations in Los Angeles County, from the year A. D. one thousand eight hundred and fifty, to the year one thousand eight hundred and fifty-six; *Provided*, the same do not exceed the sum of nineteen thousand dollars.

Yuba.

Also, for the expeditions, wars, and depredations, in Yuba County, since the first day of January, A. D. one thousand eight hundred and fifty; *Provided*, the same do not exceed the sum of fifteen thousand dollars.

Shasta.

Also, for services rendered, and supplies furnished, in the expeditions against the Indians, in the County of Shasta, since the

year A. D. one thousand eight hundred and fifty, and for property destroyed by the Indians in said County since that year; *Provided*, the same do not exceed the sum of ten thousand dollars.

Also, for services rendered, and supplies and animals furnished, the expedition against the Indians in the Counties of Napa and Yolo, in the years one thousand eight hundred and fifty, and one thousand eight hundred and fifty-one; *Provided*, the same do not exceed the sum of eleven thousand dollars. Napa and Yolo.

Also, for services rendered, and supplies furnished, in the expedition against the Indians in the County of El Dorado, since the year A. D. one thousand eight hundred and fifty; *Provided*, the same do not exceed the sum of ten thousand dollars. El Dorado.

Also, for services rendered, and supplies furnished, in the expeditions against the Indians in the County of Trinity, since the year A. D. one thousand eight hundred and fifty, and for property destroyed, and losses sustained, by Indian depredations in said County since that year; *Provided*, the same do not exceed the sum of fifteen thousand dollars. Trinity.

A. J. F. Phelan is hereby appointed Clerk of said Board of Examiners, whose salary shall be seventy-five dollars per month. Clerk of Board.

SEC. 3. Section one of an Act entitled "An Act amendatory" of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of expenses incurred in the suppression of Indian hostilities in certain Counties in this State, approved April twenty-fifth, one thousand eight hundred and fifty-seven, approved March thirtieth, one thousand eight hundred and fifty-eight," is hereby repealed. Repealing clause.

CHAP. CLXIX.—*An Act authorizing Solon S. Simonds to construct a Canal in Santa Clara County.*

[Approved April 7, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Solon S. Simonds, and such others as he may choose to associate with him, are hereby authorized to construct a canal in the Town of Alviso, in Santa Clara County. Said canal to commence at the head of Steamboat Slough, and extend thence in a direct line, as near as may be, to the nearest point on the Guadalupe river, and intersect the same. Said canal may be of the length of one hundred and fifty yards, more or less, and may be of the width of ten feet. Authorized to construct canal.

SEC. 2. Nothing in this Act shall be so construed as to grant to said Simonds, or his associates, any exclusive rights or privileges pertaining to the navigation of the waters of said slough, nor to grant any right, title, or interest, in the lands adjacent to said canal. Rights.

SEC. 3. Said Simonds shall be held liable for all damages sustained by reason of the construction of said canal. Liability.

CHAP. CLXX.—*An Act authorizing the Guardian or Guardians of of certain Minors, to sell and dispose of their Real Estate, and Chattels Real.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authorized
to sell real
estate.

SECTION 1. The guardian of Memecio Berreyessa, a minor—and the guardian or guardians of the minor heirs of Francisco Berreyessa, deceased—of Ignacio Berreyessa, deceased—of Encarnacion Berreyessa, deceased—and of Lorenzo Pinedo, deceased—are hereby authorized and empowered, and any guardian or guardians of said minors, appointed by the Probate Judge of the proper County, shall be authorized and empowered, to sell at private sale, and to transfer, release, quit-claim, grant, and convey, any and all interest which the said minors respectively may have, in and to any lands, tenements, and hereditaments, within the State of California, or any part or parcel thereof; *Provided*, that said guardian or guardians shall, before making such sale, or sales, enter into such bond as may be required by the Probate Court of the proper County, conditioned that he will faithfully account for the proceeds of such sale, or sales, which said bond shall be in an amount equal to double the appraised value of the estate sought to be sold, with two or more sureties, who shall justify, as in all cases of bonds under the Civil Practice Act of this State; *And provided, further*, that any and all sales made under the provisions of this Act, shall be approved by the Probate Judge of the proper County, and his approval shall be entered in writing on the deed; *Provided*, that nothing in this Act shall be deemed to authorize the sale, except in regular course of administration, of the interests of any of the aforesaid minors, of, in, and to those lands, whereupon the mine of New Almaden, in the County of Santa Clara, is, or is supposed to be situated, or of any of the rights of said minors in the said mine, or their rights of action against any person or persons, company, or companies, for, or on account of the working of said mine.

CHAP. CLXXI.—*An Act to extend "An Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara," approved April twenty-first, one thousand eight hundred and fifty-six.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. An Act concerning hogs found running at large

in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, one thousand eight hundred and fifty-six, is hereby extended to, and made applicable to, the Counties of Trinity, Sonoma, Monterey, and Solano. Act extended.

CHAP. CLXXII.—*An Act supplementary to, and amendatory of, an Act entitled an Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section two of the Act to which this Act is supplementary and amendatory, is hereby altered and amended so as to read as follows :

Section two—There shall be an election held for County officers, and the location of the Seat of Justice of Mendocino County, on the first Monday in May, one thousand eight hundred and fifty-nine, at which election the qualified voters of said County shall choose one County Judge, one District-Attorney, one County Clerk who shall be *ex officio* County Recorder and Auditor, one Sheriff, one County Surveyor, one County Assessor, one Coroner, one County Treasurer, and three Supervisors ; also, one County Superintendent of Common Schools. Election.

CHAP. CLXXIII.—*An Act to change the Time of holding the Terms of the District Court, Courts of Sessions, County Courts, and Probate Courts, within the Second Judicial District.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The terms of the District Court, within and for the Second Judicial District, shall hereafter commence as follows : District Court.
In the County of Santa Barbara, on the first Monday of March, June, September, and December ; in the County of San Luis Obispo, on the second Monday of January, April, July, and October, in each year.

SEC. 2. The terms of the Courts of Sessions, within and for the Counties of Santa Barbara and San Luis Obispo, shall hereafter commence as follows : Court of Sessions.
In the County of Santa Barbara, on the second Monday of February, May, August, and November ; in the County of San Luis Obispo, on the fourth Monday of

March, June, September, and December, in each year; *Provided*, that special terms of the Courts embraced in this section may also be held whenever, in the opinion of the County Judge, the public interest may require the same.

County
Court.

SEC. 3. The terms of the County Courts, in and for the Counties of Santa Barbara and San Luis Obispo, shall hereafter commence as follows: In the County of Santa Barbara, on the first Monday of February, May, August, and November; in the County of San Luis Obispo, on the third Monday of March, June, September, and December, in each year.

Probate
Court.

SEC. 4. The terms of the Probate Courts, in and for the County of Santa Barbara and San Luis Obispo, shall hereafter commence as follows, to wit, on the third Wednesday of each month in the year.

Repealing
clause.

SEC. 5. An Act entitled an Act to amend an Act entitled an Act to fix the time for holding the terms of the District Courts throughout this State, passed May eighteenth, eighteen hundred and fifty-three, approved May fourth, eighteen hundred and fifty-five, and to repeal an Act to fix the time for holding the terms of the District Court of the Second Judicial District, approved April tenth, eighteen hundred and fifty eight, and an Act entitled an Act to change the time of holding the Courts of Sessions, County Courts, and Probate Courts, of the Counties of Santa Barbara and San Luis Obispo, approved April fifteenth, eighteen hundred and fifty-eight, are hereby repealed.

Take effect.

SEC. 6. This Act shall take effect from and after the first day of May, eighteen hundred and fifty-nine.

CHAP. CLXXIV.—*An Act to authorize H. W. Bragg, Guardian of the minor Heirs of David Martin and Anne Martin, deceased, to sell Real Estate of said minor Heirs at public or private sale.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized
to sell real
estate.

SECTION 1. H. W. Bragg, guardian of the minor heirs of David Martin and Anne Martin, deceased, is hereby authorized to sell the real estate of said minor heirs, on such terms and in such manner, at public or private sale, as may be most advantageous to said estate.

Report.

SEC. 2. The said guardian shall make a full report, of any and all such sales as shall be made by him, to the Probate Court of the County of Sacramento; and the Judge of said Court shall examine the same, and confirm or set aside the said sale, or sales, as in other cases of sales of real estate by executors and administrators.

conveyance.

SEC. 3. After the approval of the sale, or sales, by the Probate Court, said guardian shall make to the purchasers a conveyance

of the lands, rights, titles, or interests, sold, which conveyance shall be valid and binding.

SEC. 4. Before making any sale under the power by this Act ^{Bonds.} conferred, said guardian shall execute a good and sufficient bond, in a sum double the appraised value of the real estate about to be sold, conditioned that he will faithfully account for all moneys coming to his hands from such sale, with two or more sufficient sureties, who shall justify as all sureties to bonds under the Civil Practice Act of this State are now required to justify.

CHAP. CLXXV.—*An Act supplementary to an Act to regulate Fees of Office, approved April tenth, eighteen hundred and fifty-five.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The fees of office, as prescribed in an Act to regulate fees of office, approved April tenth, one thousand eight hundred and fifty-five, from section fourth to section twenty-second, inclusive, for the officers named in such parts of said Act, and all provisions contained in such parts of said Act, shall apply to said officers in the County of Tehama. ^{Tehama exempted.}

CHAP. CLXXVI.—*An Act Supplemental to an Act entitled an Act to provide Revenue for the Support of the Government, passed April twenty-ninth, eighteen hundred and fifty-seven.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the County of Santa Cruz is hereby authorized, and it shall be at their discretion, to direct and cause the Tax-Collector of said County to make publication of the delinquent tax-list of the said County, by posting a written or printed copy of the same in at least three conspicuous places in each township of said County, or by publishing the said delinquent tax-list in a newspaper of said County, should there be one published therein; *Provided*, that such publication shall be made in all other respects as required by section fifteen of the Act of which this Act is a supplement. ^{Santa Cruz.}

SEC. 2. All Acts, and parts of Acts, in conflict herewith, are hereby repealed. ^{Repealing clause.}

CHAP. CLXXVII.—*An Act for the Relief of Purchasers of Lands from the State of California.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Certificate of purchase.

SECTION 1. In all cases where swamp and overflowed lands, in good faith, have been, or may be attempted to be purchased from the State under Acts of the Legislature, and the partial payments of purchase-money, or interest, has been made, and the same have been, or may become forfeited, from the fact that the terms of the purchase have not been complied with, under a strict construction of said Acts, the Register of the State Land Office shall issue a certificate of purchase; *Provided*, the interests of the State are not thereby sacrificed, or the rights of third parties interfered with; *And provided, further*, that the defaulting party shall, within six months from the passage of this Act, present his equitable claim to the Register, and prove that all arrearages have been paid up as required by the Act under which the purchase was made, and apply for his certificate of purchase in the manner which may be prescribed by said Register.

Surrender of old certificates.

SEC. 2. When lands for which certificates of purchase have already been issued, shall have been, or may become forfeited, the Register may issue new certificates on the surrender of the old one. The Register shall write across the face of those surrendered, "Surrendered," with the date of the new certificate, and the name of the party to whom issued, and said old certificate shall be filed in the State Land Office. For issuing certificates of purchase, under the provisions of this Act, the Register shall be entitled to demand and receive the same fees as are allowed for the issuing of original certificates.

Exchange of lands.

SEC. 3. When parties have purchased lands from the State, supposing them to be the property of the State, and said lands shall be found to be the property of private individuals, or of the General Government, the said Register shall allow other lands belonging to the State, of a similar character, to be taken in lieu thereof, and give title for the same.

Certificates to be issued.

SEC. 4. In all cases where lands of the State have been, or may hereafter be sold, the Register of the Land Office may issue certificates of purchase; *Provided*, he is satisfied, from the certificate of the County Treasurer, that the money has been paid into the County treasury.

CHAP. CLXXVIII.—*An Act amendatory of an Act entitled an Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax for County purposes, approved April twenty-second, one thousand eight hundred and fifty-seven, approved February twenty-seventh, one thousand eight hundred and fifty-eight.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of an Act entitled "An Act amendatory of an Act entitled an Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes, approved April twenty-second, one thousand eight hundred and fifty-seven, approved February twenty-seventh, one thousand eight hundred and fifty-eight, is hereby amended so as to read as follows :

Section one—The Board of Supervisors in and for the County of Nevada is hereby authorized to levy, annually, in addition to the taxes authorized by existing laws, for County purposes, a special tax, as follows : A sum not exceeding two dollars on each male inhabitant of the County, not by law exempt from poll-tax, and an *ad valorem* tax, not to exceed fifty cents upon each one hundred dollars value of taxable property in said County ; and such poll and property-tax shall be assessed and collected at the same time, and in the same manner as are assessed and collected the poll and property-tax under the general Révenue Laws of this State, and all the provisions of the laws now in force, or which may be hereafter enacted, regulating and prescribing the duties of officers in assessing and collecting the poll and property-taxes for State and County uses, shall be applicable to the assessment and collection of the taxes authorized to be levied by this Act. All moneys collected, under the provisions of this Act, shall be paid into the County treasury, and it shall be the duty of the County Treasurer to set apart the same, as a Fund to defray the current expenses of the County, other than the salaries and fees of the County officers, and shall be disbursed by him, on warrants drawn on said Fund by the County Auditor. If the Auditor shall draw any warrant on said Fund, unless by order of the Board of Supervisors, and entered of record on the proceedings of said Board, he shall be liable on his official bond for the full amount of such warrant, at the suit of said County. Special tax.

SEC. 2. *And be it further enacted,* That section five of the original Act, entitled "An Act to authorize the Board of Supervisors of Nevada County to levy a special tax, for County purposes," approved April twenty-second, one thousand eight hundred and fifty-seven, be amended so as to read as follows : " All warrants drawn on the Fund arising under the provisions of this Act shall distinctly specify on the face the liability for which they are drawn, and shall be paid in the order of presentation to the County Treasurer. It shall be the duty of the County Warrants.

Proposals.

Auditor, on or before the first Monday in April, one thousand eight hundred and sixty, and of each year thereafter, to estimate what balance will remain in said Fund, on the first Monday of the next succeeding month, after paying all the warrants then drawn on the said Fund. As soon as such estimate is made, it shall be his duty to give thirty days' notice, by publication in a newspaper printed within the County, of the amount as estimated by him in said Fund, and that sealed proposals for the surrender of unpaid County warrants registered on the General Fund of the County, will be received by him up to the first Monday of May of that year. If the Board of Supervisors should be in session on that day, or, if not, then on the first day thereafter, when the Board is in session, the County Auditor, and County Treasurer shall attend before said Board, and the proposals for the surrender of warrants shall be opened in their presence. The lowest bids for the surrender of warrants shall be accepted by the Board of Supervisors; *Provided*, that no bid for more than the par value of the warrants to be surrendered, nor any bid, unless accompanied by the said warrants, shall be accepted. The County Treasurer shall take a description of each of the warrants accepted by the Board, with the number of each, the amount for which it is drawn, and, also, the amount for which it is offered to be surrendered, and make a record thereof in his register of warrants presented. The Board of Supervisors shall thereupon make an order, directing the Auditor to issue a warrant or warrants, on the Fund arising under this Act, in payment of the accepted bids, which shall be paid by the Treasurer on presentation, and the warrants so redeemed shall be retained by the Auditor, and canceled in the same manner as warrants deposited with him, after being redeemed by the Treasurer. The bids for the surrender of warrants being equal, the preference shall be given to the warrants for the smallest amounts—the bids and amounts being equal, the preference shall be given to the purchase of the warrants prior in date of registry. The Auditor shall return all unaccepted bids, together with the warrants therein contained, to the owners, on demand."

CHAP. CLXXIX.—*An Act to amend an Act entitled an Act to repeal the Act passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled "An Act to incorporate the City of Sacramento," and the several Acts amendatory and supplementary thereto, and to incorporate the City and County of Sacramento.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section fifty-six of said Act is hereby amended so as to read as follows :

Section fifty-six—Each and every Company, at its stated meet-

Board of
Delegates.

ing, in the month of July, in every year, shall elect two of its members as delegates to the Board of Delegates of the Fire Department of Sacramento, which Board shall consist of two representatives from each Fire-Company, who shall be sworn to faithfully discharge the duties of their office. They shall have power to elect, and define the duties of, a President, Vice-President, Secretary, Treasurer, a Board of Trustees of the Charitable Fund of the Department, and such other officers as they may from time to time, deem necessary. They shall have power to make all laws for the government of the Fire Department, and all laws made by them shall be binding on every Company, and member of the Department. Any Engineer, Company, officer, or member of the Department, who shall violate any of said laws, or who shall refuse to obey the lawful orders of the Chief, or other Engineers, shall, upon complaint, be tried by the Board, and, if found guilty, be censured, suspended, removed from office, or expelled from the Fire Department, as the judgment of the Board may direct. They shall have power to summon any member of the Department to attend and testify in any case when an officer or member of the Department is charged with having broken its laws; and any officer or member of the department who shall disobey such summons, may be suspended or expelled from the department, as the judgment of the Board may direct. They shall examine the returns, and declare the result of all Engineers' elections, and give them their certificates of office. The salary of the Chief Engineer shall be fifteen hundred dollars per annum, payable from the Salary Fund provided in section thirty-five of this Act, and he shall be, *ex officio*, Fire Warden. The salary of the Secretary of the Board of Delegates shall be five hundred dollars per annum, payable from the Salary Fund, provided in said section thirty-five, and he shall be, *ex officio*, Clerk of the Board of Trustees of the Charitable Fund of the Department. The salary of the first and second Assistant Engineers shall be five hundred dollars per annum, each, payable monthly from the Salary Fund provided in said section thirty-five, and they shall be, *ex officio*, Fire Wardens; *Provided*, that this section shall not take effect until the first Monday in August, one thousand eight hundred and fifty-nine.

Board of
Delegates.

SEC. 2. Section seven of said Act is hereby amended so as to read as follows:

Section seven—The Supervisors, as constituted by this Act, at their first meeting, and quarterly thereafter, shall elect a Clerk of the Water-works, an Engineer of the Water-works, a Chief of Police, a Lieutenant of Police, who shall act as Harbor-master, and not exceeding eight policemen; and the officers so elected, shall each take the oath of office, and perform such duties as are imposed by this Act, or which may be required by the Supervisors by ordinance; and they shall hold office for three months, and until their successors are elected and qualified, unless sooner suspended, tried, and removed, as hereinafter provided.

Officers to be
chosen.

SEC. 3. Section sixty is hereby amended so as to read as follows:

Section sixty—The Board of Supervisors shall have sole power

Power of
Supervisors.

to order work and supplies for the Fire Department. All proposals for the same shall be opened by the Chief Engineer, in presence of the Committee on Fire and Water of the Board of Supervisors, and be, by them, without unreasonable delay, awarded to the lowest responsible bidder, or bidders. All work done for, and supplies furnished, said Department, shall be under the supervision of the Chief Engineer, and he shall certify all bills for such work and supplies. The Board of Supervisors shall pay to each Engine-company the sum of six hundred dollars per annum, payable monthly; and they shall pay to each Hook-and-ladder-company, and each Hose-company, the sum of four hundred dollars per annum, payable monthly; the same to be used in keeping the apparatus and hose in repair, under the general supervision and control of the Chief Engineer, and when proper care is not taken of said apparatus and hose, he shall have power to stop the appropriation.

Charitable
Fund.

All moneys collected for licenses for the sale of gun-powder, shall be paid into the Charitable Fund of the Fire Department.

CHAP. CLXXX.—*An Act amending an Act entitled "An Act concerning Jurors," approved May third, eighteen hundred and fifty-two.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section five of said Act is hereby amended so as to read as follows :

Jurors to be
drawn by
ballot.

Section five—Upon the receipt of the order, as mentioned in the last section, the County Judge, County Clerk, and Sheriff, shall immediately proceed to copy from the assessment-roll of the County, the names of thirty persons, each name upon a separate piece or slip of paper. The ballots so prepared shall be placed in a box prepared by the County Clerk for that purpose, and said County Clerk shall, in presence of the County Judge and Sheriff, draw from the box the names of sixteen persons, to serve as grand-jurors until discharged by the Court. If it shall satisfactorily appear that any person whose name is contained on any ballot is dead, or has become insane, or has removed from the County, or that he is known in other respects not to be a competent juror, that fact shall be entered on the minutes of the drawing, and the ballot containing the name shall be destroyed. Another ballot shall then be drawn, in place of that destroyed; and the name contained thereon shall, in like manner, be entered in the minutes of the drawing, and the same proceedings shall be had as often as necessary to complete the requisite number. The Clerk shall keep a list of the names placed in the box, and a minute of the drawing, which shall be signed by the Clerk and attending officers, and forthwith filed

in the Clerk's office. It shall be the duty of the Sheriff, upon receipt of the order, to post written or printed notices of the time and place of the drawing, provided in this section, in three of the most public places in the Town or City in which the Court is to be held. Such notice shall be posted at least one week before such drawing.

SEC. 2. Section nine of said Act is hereby amended so as to read as follows:

Section nine—When all the persons summoned shall attend, Grand-jury. they shall constitute the grand-jury. If all the persons summoned do not attend, the persons attending shall be placed on the grand-jury, and the Court shall order the Sheriff to summon from the body of the County, and not from the bystanders, a sufficient number to complete the grand-jury.

SEC. 3. Section twelve of said Act is hereby amended so as to read as follows:

Section twelve—It shall be the duty of the Sheriff, upon receipt of the order mentioned in section eleven, to proceed immediately and summon sixteen persons from the body of the County, but not from the by-standers, to appear before the Court at the time mentioned in said order. The summons shall be served in the same manner as provided in section six of this Act. New venire.

SEC. 4. All Acts, and parts of Acts, conflicting herewith, are hereby repealed. Repealing clause.

CHAP. CLXXXI.—*An Act regulating the Salaries of certain County Offices in Sonoma County.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the next general election, the County Judge of Sonoma County shall receive, for his services, the sum of two thousand dollars per annum. County Judge.

SEC. 2. From and after the passage of this Act, the District Attorney of Sonoma County shall receive, for his services, one thousand five hundred dollars per annum. District Attorney.

SEC. 3. From the time specified in section two, each member of the Board of Supervisors of Sonoma County shall be entitled to receive, for each day's necessary attendance on the business of the County, a sum to be fixed by the Board, not to exceed six dollars per day, and in the aggregate, during one year, not to exceed five hundred dollars, and each one of said Supervisors shall be entitled to receive twenty-five cents per mile, for each mile necessarily traveled in going to, and returning from, the County-seat; *Provided*, that no charge shall be made for more than one trip, going from, and returning to, the residence of such Supervisor, at each term held; *And provided*, that no Supervisor shall be allowed more than one day's per diem for any one Supervisors.

day, by reason of his being on the Committees appointed by the Board, or for any other cause; and no further allowance whatever shall be made for services as a member of said Board of Supervisors.

Repealing
clause.

SEC. 4. All Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAP. CLXXXII.—*An Act to amend an Act entitled an Act to regulate Proceedings in Criminal Cases, passed May first, eighteen hundred and fifty-one.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION. 1. Section one hundred and ninety-seven of said Act is hereby amended so as to read as follows:

Grand-jurors

Section one hundred and ninety-seven—An order shall thereupon be made out by the Clerk, and directed to the Sheriff, requiring him to summon sixteen persons qualified to serve as grand-jurors, to appear forthwith, or at such time as may be appointed by the Court.

SEC. 2. Section two hundred and one of said Act is hereby amended so as to read as follows:

By-standers.

Section two hundred and one—On the first day of the term, the Court shall, by an entry on the minutes, direct an order to be issued to the Sheriff of the County to summon sixteen persons from the citizens of the County, and not from the by-standers, to appear forthwith, or at such time as may be named.

SEC. 3. This Act shall take effect from and after the first day of June next.

CHAP. CLXXXIII.—*An Act to repeal an Act relative to the creation of Pa-Utah County.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act repealed.

SECTION 1. The Act entitled "An Act supplemental to an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein," approved May third, eighteen hundred and fifty-two, is hereby repealed.

CHAP. CLXXXIV.—*An Act for the Relief of James Gallagher.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of four hundred and twenty-five dollars ^{\$425 75.} and seventy-five cents is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of paying James Gallagher, for per centage due him as District-Attorney, for moneys collected in Trinity County, for the State of California, by action against C. F. Lynn, F. W. Blake, and others.

CHAP. CLXXXV.—*An Act to authorize the Administratrix of Patrick N. Madigan, deceased, to sell Real Estate at Private Sale.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Mary Madigan, administratrix of the estate of P. N. Madigan, late a resident of the City and County of Los Angeles, deceased, be, and she is hereby, authorized and empowered to sell such portion, or portions, of the real estate of which the said P. N. Madigan died seized or possessed of, in the City and County of Los Angeles, and any right, title, or interest, in such real estate belonging to the said decedent, in his lifetime, as may be sufficient to pay the debts outstanding against the estate of the said deceased, the allowance to his family, and the expenses of administration, at such time, or times, on such terms, and in such manner, at private sale, as shall be most advantageous to the said estate; *Provided*, That when any sale is made under, and by virtue of, the authority given by this Act, at least one-half of the purchase-money shall be paid at the time of such sale, and the balance upon such credit as the said Mary Madigan may deem expedient to give, not to exceed six months, and the purchaser or purchasers shall secure the purchase-money remaining unpaid, by note, and mortgage on the property sold, bearing interest at the rate of at least one per cent. per month.

Authorized
to sell real
estate.

SEC. 2. The said administratrix shall make a full report of any and all such sale, or sales, as shall be made by her, to the Probate Court of the County of Los Angeles, and the Judge of the said Court shall examine the same, and confirm, or set aside, the said sale, or sales, as in other cases of sales of real estate by executors or administrators.

Report to
Probate
Judge.

SEC. 3. The said administratrix, upon the confirmation of any such sale, or sales, as herein before provided, and the compliance,

Conveyance.

on the part of the purchaser, or purchasers, with the terms of such sale, or sales, as set forth in section first of this Act, is hereby authorized to execute, acknowledge, and deliver, to the said purchaser, or purchasers, a legal conveyance of the premises sold, which shall be as valid and binding as if the same had been made by the said P. N. Madigan, in his lifetime.

Bonds.

SEC. 4. Said administratrix, prior to any sale made by authority of this Act, shall give bond in double the appraised value of said real estate, with two or more sureties, who shall severally justify, as in case of all other bonds, given pursuant to statute regulating the administration of the estates of deceased persons, conditioned that said administratrix shall faithfully account for all moneys arising from any such sales.

CHAP. CLXXXVI.—*An Act to amend "An Act concerning Crimes and Punishments," passed April sixteenth, eighteen hundred and fifty.*

[Approved April 8, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The one hundred and eighteenth section of an Act entitled an Act concerning crimes and punishments," passed April sixteenth, eighteen hundred and fifty, is hereby amended so as to read as follows :

Sale of liquor
at camp-
meetings.

Section one hundred and eighteen—Every person who shall erect or keep a booth, tent, stall, or other contrivance, for the purpose of selling, or otherwise disposing of any wine, or spirituous or intoxicating liquors, or any drink of which wines, spirituous or intoxicating liquors form a part, or for selling, or otherwise disposing, of any other article or articles of merchandise, trade, or profit, or who shall peddle, or hawk about, or sell, any such drink, article or articles, within one mile of any camp or field-meeting for religious worship, during the time of holding such meeting, shall be deemed guilty of a misdemeanor, and be punished by a fine of not less than five, nor more than five hundred dollars ; *Provided*, that nothing in this Act contained shall in anywise affect the right of any person or persons carrying on a regular business in the sale of liquors, or other articles of merchandise, trade, or profit, wholesale or retail, in any store, saloon, or otherwise, already established, previous to the appointment of such religious meeting as described in this Act.

CHAP. CLXXXVII.—*An Act supplementary and explanatory of an Act entitled an Act concerning Roads and Highways in the County of Nevada.*

[Approved April 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. An Act entitled an Act concerning roads and highways in the County of Nevada, approved March second, eighteen hundred and fifty-nine, shall not take effect until February first, eighteen hundred and sixty. Act repealed.

CHAP. CLXXXVIII.—*An Act to fix the amount of the Official Bonds of the County Officers in and for the County of El Dorado.*

[Approved April 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County officers hereinafter named, in the County of El Dorado, shall give bonds for the faithful discharge of their official duties as prescribed by law, in the following named sums, respectively : The Sheriff, thirty thousand dollars; the Collector, thirty thousand dollars; the Treasurer, forty thousand dollars; the County Clerk, fifteen thousand dollars; the Recorder, ten thousand dollars; the District-Attorney, five thousand dollars; the Assessor, ten thousand dollars; the County Surveyor, five thousand dollars; the Coroner, three thousand dollars; and the Superintendent of Public Instruction, three thousand dollars. Sureties.

SEC. 2. All Acts, and parts of Acts, in conflict with the provisions of this Act, so far as they relate to the County of El Dorado, are hereby repealed. Repealing clause.

CHAP. CLXXXIX.—*An Act authorizing Charles B. Ryder to construct a Wharf at Trinidad Bay, in Klamath County.*

[Approved April 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SEC. 1. Charles B. Ryder is hereby authorized to construct a wharf at Trinidad Bay, in Klamath County. Said wharf to com- Authorized to construct wharf.

mence at a point known as Chesapeake Bay; thence running along Trinidad Head, in a southerly direction, eight hundred feet; thence, in a north-easterly direction, into the Bay, one hundred and fifty feet, more or less, as necessity may require.

Grant of
lands.

SEC. 2. The State of California hereby grants, to the said Charles B. Ryder, the use of the overflowed lands on each side of said wharf, to the distance of five hundred feet on each side of said wharf, to be used only for the purpose of free ingress and egress of water-craft to and from said wharf, for the period of twenty years from the passage of this Act.

Wharfage.

SEC. 3. The said wharf shall be completed at the end of two years from the passage of this Act; and the owner thereof may charge and collect such rates of toll and wharfage as may be allowed him by the Board of Supervisors of Klamath County. Said toll and wharfage to be fixed by said Board every two years, from and after the completion of said wharf.

CHAP. CXC.—*An Act to amend "An Act entitled an Act to prescribe the mode of drawing Grand-Jurors and Trial-Jurors in the City and County of San Francisco," passed April second, one thousand eight hundred and fifty-seven.*

[Approved April 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the above-entitled Act is hereby amended so as to read as follows:

Jurors to be
drawn by
ballot.

Section two—The Supervisors of each District, in said City and County, or if there be a vacancy in the office of Supervisors, then the School-Director of such District shall, annually, during the first week in April, make out from the names of persons resident in his District, found upon the poll-list of that year, a list of persons, and their places of residence, qualified to serve as grand-jurors, and not exempt by law, equal to the number apportioned to such District for grand-jurors by the Board of Supervisors, as aforesaid, and another distinct list of persons, also residents in his District, and taken from the poll-list, with their places of residence, qualified to serve as trial-jurors, and not exempt by law, as aforesaid, equal to the number so apportioned to such District, for trial-jurors, and shall return such list, signed and certified by him, to the Board of Supervisors, who shall immediately take action thereon, and may alter said lists by striking any names therefrom, and inserting in the place thereof the names of any persons residing in the proper District liable to serve as jurors, and may also add names of persons so liable, to complete the list. Whenever the full number of names shall not be returned from any District, from the several District-lists by them revised and completed as above provided, the said Board shall make a general list, on which there shall not be less than

four hundred names, from which all grand-jurors shall be drawn, and another general list, on which there shall not be less than twelve hundred names, from which trial-jurors shall be drawn, as provided for in this Act, and the said general lists, certified by the President and Clerk of said Board, shall be recorded on the Journal of said Board, and returned to the County Clerk. Immediately thereafter, the County Clerk shall write upon a separate paper, or ballot, each name contained on the two lists so returned to him, and shall, in the presence of the President of the Board of Supervisors, compare the ballots so made out with the original lists returned, as aforesaid, and deposit in a box, to be prepared for that purpose, all the ballots containing the names returned for grand-jurors, and in a separate box, to be likewise prepared for that purpose all the ballots containing the names so returned for trial-jurors. The ballots, before being deposited in the boxes, shall be closely folded so as to conceal the name written upon them. From the box containing the names returned for grand-jurors, all grand-jurors shall be drawn by lot; and from the box containing the names returned for trial-jurors, all trial-jurors shall be drawn by lot.

SEC. 2. The tenth section of said Act, which was amended by the second section of an Act approved April fourteenth, eighteen hundred and fifty-eight, is hereby amended so to read as follows:

Section ten—Notwithstanding anything in this Act contained, whenever any Court, or Judge, in said City and County, upon making an order for the summoning of any jury, or jurors, shall be of opinion that such jury, or jurors, can not be readily obtained under the provisions of this Act, such opinion may be set forth in said order, and thereupon such jury, or jurors, may, regardless of the provisions of the preceding sections of this Act, be obtained in accordance with the general statute-law of the State governing in the matter of juries and jurors; and all provisions of law heretofore repealed by this Act are hereby revived, so as to give full force and effect to the provisions of this section.

CHAP. CXCI.—*An Act making Appropriations for Deficiencies in the Appropriations made for the Tenth Fiscal Year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine.*

[Approved April 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the objects hereinafter expressed:

For Salaries of Members of the Board of Examiners, six hundred and eighty dollars, and fifty cents.

Deficiencies. Salary of Clerk to Board of Examiners, two hundred and thirty-three dollars, and thirty-three cents.

Salary of Secretary to Supreme Court, fifty dollars.

Salaries of Clerks to Controller, two hundred and thirty-three dollars, and thirty-three cents.

Expenses of the Stamp Act, five hundred dollars.

For support of the State Insane Asylum, two thousand four hundred dollars.

For contingent expenses in the office of the Attorney-General, two hundred and thirty-five dollars.

For pay of Clerk in the office of the Attorney-General, five hundred dollars.

For costs of suits where the State is a party, to be expended under the direction of the Attorney-General, two thousand five hundred dollars.

For contingent expenses in the office of the Treasurer of State, six hundred dollars.

For contingent expenses of the Senate, three thousand dollars.

For contingent expenses of the Assembly, four thousand dollars.

For rewards for the arrest of escaped convicts, three thousand dollars.

To meet deficiencies in the appropriation made by Act of February twenty-sixth, one thousand eight hundred and fifty-eight, "An Act to provide for the temporary government of the State-Prison, and to appropriate money therefor," the sum of seven thousand five hundred dollars.

Contingent
Fund of
Senate and
Assembly.

SEC. 2. The sums herein appropriated as a Contingent Fund of the Senate and Assembly, shall be disbursed under the direction of the body to which it may respectively belong, and shall not be subject to any of the provisions of an Act entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, eighteen hundred and fifty-eight.

CHAP. CXCVII.—*An Act to incorporate the Town of Eureka.*

[Approved April 9, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Town incor-
porated.

SECTION 1. The inhabitants of the Town of Eureka, in the County of Humboldt, are hereby declared incorporated under the name and style of "The Town of Eureka," and by that name they shall have perpetual succession, may sue and be sued, may acquire, purchase, receive, and hold property, within the corporate limits of said Town, for their common benefit, and sell,

or otherwise dispose of the same, and may have a common seal, and alter the same at their pleasure.

SEC. 2. The boundaries of said Town shall be as follows: **Boundaries.** commencing at a point in Humboldt Bay, one hundred yards north of the corner of "S" and First streets, as laid down on a map of said Town, made in one thousand eight hundred and fifty, and now on file in the Recorder's office of Humboldt County; thence southerly, along said "S" street, to Sixteenth street; thence westerly, along said Sixteenth street, to "A" street; thence northerly, along said "A" street, to the intersection of the subdivisional line, forming the south boundary of tract number three, of section twenty-two, Township five north, of range one west, Humboldt meridian, according to the U. S. surveys; thence west, along said subdivisional line, to a line separating the U. S. public lands from the State marsh-lands, according to said survey; thence northerly, along said line of separation, to its intersection with said "A" street; thence northerly, along said "A" street, to the corner of "A" and First streets; thence north, one hundred yards, to a point in Humboldt Bay; thence easterly, parallel with First street, to the place of beginning.

SEC. 3. The officers of the Town of Eureka shall consist of a **Officers.** Board of five Trustees, a Treasurer, Marshal, and Assessor, who shall severally be elected at any regular election held for that purpose, by the qualified electors of the Town, and shall hold their offices for one year, and until their successors are elected and qualified.

SEC. 4. No person shall be eligible to any office in said Town **Eligibility.** who is not a qualified elector thereof, and who shall not have resided in this State for one year, and within said Town for six months, next preceding his election, and no person shall be entitled to vote, at an election for Town officers of said Town, other than qualified electors of this State, and who shall have resided within said Town thirty days next preceding such election.

SEC. 5. The election for officers of said Town shall be held **Elections.** on the third Monday of June of the present year, and the same day in each year thereafter. It shall be the duty of the Trustees, at least ten days prior to such election, to give notice thereof, by publication in some newspaper published in said Town, if one be published therein, or if not, then by posting said notice in at least three conspicuous places in said Town, designating in said notice the place of holding said election, and appointing an Inspector and two Judges of said election. Said Inspector and Judges shall be governed, in conducting said elections, by the laws regulating elections and defining their powers and duties. They shall, within five days after any election, return to the Board of Trustees the poll and tally-list of such election, who shall, within ten days after said election, make and deliver to the five persons receiving the highest number of votes cast for Trustees, certificates of their election as Trustees of said Town; and to the other persons receiving the highest number of votes cast for other offices, certificates of their election to such offices, respectively. The Board of Trustees shall judge of the qualifications,

election, and returns, of their own members, and determine contested elections of all Town officers.

Oath and
bonds.

SEC. 6. The officers of said Town, chosen at any election, or appointed to fill a vacancy, shall, before entering upon the duties of their respective offices, and within ten days after the receipt of their certificate of election or appointment, take and subscribe the oath of office prescribed by law to be indorsed on said certificates, before any officer authorized to administer oaths; and the Treasurer, Assessor, and Marshal, shall give bonds for the faithful performance of the duties of their respective offices, payable to the Town, by its corporate name, to be approved by the Board of Trustees, and in such penalties as they shall prescribe.

Clerk to
Board of
Trustees.

SEC. 7. The Board of Trustees shall meet on the second Saturday after their election, and shall then elect one of their number as President, and appoint a suitable person as Clerk, who shall severally hold their offices for one year, unless sooner removed.

Meetings.

SEC. 8. The regular meetings of the Board of Trustees shall be held on the first Saturday of each month, and may adjourn, from day to day, until the business before the Board is disposed of. The President shall also have power to call extra meetings, when, in his judgment, it shall be necessary, by giving notice to the other Trustees. All meetings of the Board shall be public.

Quorum.

SEC. 9. A majority of the Board shall be a quorum, to transact business, and each member shall have one vote. They shall keep a Journal of their proceedings, and, at the request of any member, shall cause the ayes and noes to be taken, upon any question, and entered upon the Journal. The President of the Board shall preside at the meetings of the same, appoint committees, exercise a supervision over the acts of the other Town officers, and over the general interests of the Town, and countersign all warrants and licenses issued by the Town, and all orders upon the Town Treasurer.

Power of the
Board.

SEC. 10. The Board of Trustees shall have power :

First—To make by-laws and ordinances, not in conflict with the Constitution and laws of the United States, or of this State; to prevent and abate nuisances; to suppress vagrancy, and to prohibit disorderly conduct; to provide for licensing theatrical and other amusements, lawful games, and bars at which spirituous liquors are sold in said Town; to provide for licensing any or all business not prohibited by law, and to apportion such licenses, according to the amount of business transacted; and to act as a Board of Equalization of Assessments.

Second—To open, construct, grade, and repair, streets, alleys, lanes, public places, and sidewalks, and to construct and repair wharves, bridges, fences, public places, and to authorize the same to be done; to regulate the rates of wharfage and toll, and to provide for the preservation of all commons and burial-grounds belonging to the Town.

Third—To have obstructions removed from the streets, wharves, alleys, lanes, public places, or sidewalks, at the expense of owners of lots or lands adjacent thereto, or otherwise, as may seem just and proper.

Fourth.—To establish and regulate markets, and improve the commons belonging to the Town, for the health and benefit of the inhabitants; to construct and keep in repair pumps, aqueducts, reservoirs, or other works necessary for supplying the Town with pure and wholesome water, or protecting it from fires. Power of the Board.

Fifth.—To impose fines, penalties, and forfeitures, for breaches of ordinances, and to appropriate the proceeds thereof; *Provided*, that no fine be imposed exceeding two hundred dollars, for any one breach of an ordinance, and no offender be imprisoned longer than two months for any one offence.

Sixth.—To levy and collect, annually, a poll-tax, not exceeding one dollar *per capita*, for each male inhabitant of the Town, of twenty-one years of age, and upwards, and a property-tax, not exceeding one per cent. upon the assessed value of all real and personal estate within the Town, subject to taxation.

Seventh.—To pass ordinances for impounding and selling cattle, hogs, or goats, found running at large within the corporate limits.

Eighth.—To establish, by ordinance, police and fire departments, and to make such regulations as they may deem necessary to protect the Town from injury by fire.

Ninth.—To fill, by appointment, any vacancy that may occur in said Board, or in the office of any other Town officer, by death, resignation, removal, failure to qualify, or other cause; *Provided*, that if, at any one time, the number of vacancies, from any cause, shall leave the Board of Trustees without a quorum, the remaining Trustees, or Trustee, shall order a special election, to fill such vacancies, and give like notice thereof, as is required to be given for the regular annual election of officers of said Town.

Tenth.—To take and hold any real or personal estate given, granted, sold, or devised, to said Town, for the common benefit of the inhabitants thereof, and to sell, lease, or dispose of the same; *Provided*, that all sales, leases, franchises, or privileges, shall be made by public auction, after ten days' notice thereof, posted in three of the most public places in said Town, and published in a newspaper in said Town, if any shall be published therein, at least one insertion; and all deeds, leases, or grants, made by said Town, shall be signed by the President and Clerk of the Board.

Eleventh.—To provide, by ordinance, for the election of a Town Recorder, and for the election, or appointment, of such other officers as may be necessary, and to define their powers, and describe their duties; they shall also prescribe the duties, and fix the compensation, of all Town officers, except as herein otherwise provided.

Sec. 11. It shall be the duty of the Board of Trustees to Publication. cause to be printed or published, in a newspaper published in said Town, if any there be, for the information of the inhabitants, all the ordinances and regulations, except such as relate to conducting the business of the Board, and also to record the same in a book to be kept for that purpose—which book, or certified copies from the same, under the corporate seal, shall be received in evidence of the contents thereof, in all actions or proceedings. Said book shall be in the care and custody of the

Clerk of the Board, and shall at all times be open to the inspection of any person. They shall also, on the first Saturday of June, of each year, make out and cause to be published, a full and correct statement of all moneys received and expended; from what sources received, and for what purposes expended, during the year.

Compensation SEC. 12. The Trustees of said Town shall be entitled to receive a compensation for their services, to be paid by warrant upon the Treasurer, of a sum to be prescribed by said Board, not exceeding ten cents per day of actual service rendered by them, or any of them, in attending the meetings of the Board; *Provided*, that while engaged in the duties prescribed in the seventh section of "An Act to provide for the disposal of lots in the Towns and Villages on the public lands in Humboldt County, passed April twenty-seventh, eighteen hundred and fifty-five, as amended April third, eighteen hundred and fifty-six," they shall be entitled to receive, not exceeding four dollars per day for each day actually and exclusively engaged in the business in said section mentioned, the same to be charged as part of the expenses incurred in entering and disposing of the lands in said Act mentioned, and paid out of the Fund arising from the sale of lots, as prescribed in the ninth section of the said Act.

Prohibition. SEC. 13. The Board of Trustees of said Town shall not contract any liabilities, either by borrowing money, loaning the credit of the Town, or contracting debts which, singly or in the aggregate, shall at any time exceed the sum of three thousand dollars. And no member of the Board of Trustees shall be, directly or indirectly, interested in any contract entered into by said Town authorities, or any work or business ordered to be executed by the Board.

Vacancies. SEC. 14. Vacancies in office of Trustee or other Town officer shall be caused by death, resignation, failure to qualify within the time herein specified, removal from the Town, absence therefrom for more than thirty days without leave of the Board, or removal from office by vote of the Board for misconduct in office or neglect of official duty.

Treasurer. SEC. 15. It shall be the duty of the Treasurer to receive and safely keep all moneys due to the Town; to keep an accurate account of all moneys received and expended, from whom and for what purpose received, and to whom and for what purpose paid; and he shall, quarterly, on the first Saturday of June, September, December, and March, of each year, make a full and correct report to the Board of Trustees of all such receipts and expenditures. He shall pay out no moneys in his hands belonging to the Town except upon a warrant drawn in pursuance of an order of the Board of Trustees specifying to whom and for what purpose the amount therein named is to be paid, signed by the Clerk and countersigned by the President of the Board; and all such warrants, after being paid, shall be indorsed "paid," and filed in his office.

Marshal. SEC. 16. The Marshal shall be the collector of taxes, assessments, licenses, and fines, levied or imposed by the Board of Trustees; and, for the purpose of collecting taxes and assessments upon real or personal estate, he shall have the like power

and authority as now is or may hereafter be given by law to the Sheriff for the collection of taxes, except that in all cases of sales of property for taxes, or assessments, the same shall be exposed for sale within the Town; *Provided*, that all real estate sold by him for taxes in said Town shall be subject to redemption in like manner, and upon the like terms and conditions, as provided in like cases by the General Revenue Laws of the State now, or which may hereafter, be in force. He shall, on the first Saturday of each month, and as much oftener as the Board of Trustees may require, account with the Treasurer concerning, and pay over to him all moneys then in his hands belonging to the Town, and shall report, quarterly, on the first Saturday of June, September, December, and March, in each year, a full and correct statement of all moneys received and paid in by him in his official capacity during the three months next preceding such report. He shall possess and exercise, as to all offences and misdemeanors committed within the corporate limits, the like powers and duties as are by law conferred on Constables; and for services rendered by him in that capacity, shall be entitled to the same fees, to be paid in the same manner, as Constables in Humboldt County are by law entitled to receive. He shall also perform such other duties as the Board of Trustees may prescribe.

SEC. 17. The Assessor shall, within such times as the Board of Trustees shall appoint, prepare and return to said Board a full and complete assessment-roll of all the property, real and personal, within the Town, subject to taxation, assessing the same to known and unknown owners, as the case may be, with the description or designation and location thereof, and the cash valuation of the same; and he shall perform such other duties, in relation to the assessment of property, as the Board of Trustees may require. Assessor.

SEC. 18. It shall be the duty of the Clerk of the Board to keep the seal of the corporation, and all papers and documents belonging to the Town, and to file them in his office, under appropriate heads; to attend all meetings of the Board of Trustees, and keep a correct journal of their proceedings; to keep, in a separate book, a true record of all laws and ordinances of the Board of Trustees, and of amendments thereof, in chronological order; to make out and sign all warrants and licenses issued in pursuance of the orders and ordinances of the Board of Trustees, and affix the corporate seal to such licenses; to keep an accurate account, in a suitable book, of all orders or warrants drawn on the Treasurer, specifying the amount, date of the issue, to whom payable, and for what purpose, of each order or warrant; also to keep an account, in a separate book, of all licenses issued, the date of issue, to whom issued, and for what purpose, the time for which they are granted, and the amount paid therefor; and he shall perform such other duties as may from time to time be prescribed by the Board of Trustees. Clerk.

SEC. 19. The Recorder of said Town, whenever such an officer shall be chosen, under an ordinance for that purpose duly passed by the Board of Trustees, as to public offences or misdemeanors committed within the Town, shall have the like powers and jurisdiction as now are, or may hereafter be, conferred upon Justices of the Peace, and he shall have exclusive original Recorder.

jurisdiction over all violations of the Town ordinances, and may, in accordance with the provisions of such ordinances, hold to bail, fine, or commit to prison, any person found guilty of a violation thereof, and for that purpose may issue all necessary writs and process; and he shall receive, for his services, the same fees as now are or may be allowed to Justices of the Peace for the like services in said County.

Justices of
the Peace.

SEC. 20. Until a Recorder's Court shall be established, the several Justices of the Peace within the corporate limits shall have jurisdiction of all actions or proceedings for the recovery of a fine, penalty, or forfeiture, imposed for the breach of any Town ordinance, and of all proceedings respecting vagrants or disorderly persons.

Action.

SEC. 21. All proceedings and actions under this Act, before a Justice's or Recorder's Court, within the corporate limits of the Town, shall be commenced by complaint, setting forth the violation of the ordinance, or the act of vagrancy or disorderly conduct complained of, or the offence charged, with such particulars of time and place, person and property, as to enable the defendant to understand distinctly the nature of the offence charged, and to answer the complaint; every such complaint shall be verified by the oath of the party making it. To the complaint, the answer may be oral or in writing, and immediately thereafter the case shall be tried, unless, for good cause shown in law, an adjournment be granted. In all cases, the defendant shall be entitled to a trial by a jury of six persons.

Where the
Town is a
party.

SEC. 22. In all actions or proceedings wherein the said corporation is a party, or which may be prosecuted or defended for their benefit, all persons living in the Town shall be competent and qualified as jurors and witnesses, if in other respects competent and qualified.

Repealing
clause.

SEC. 23. An Act entitled "An Act to incorporate the Town of Eureka," approved April eighteenth, eighteen hundred and fifty-six, and the Act amendatory thereof, approved February fourteenth, eighteen hundred and fifty-seven, are hereby repealed; *Provided*, the repeal of said Acts shall in nowise disturb or affect any rights which have become vested, or which have accrued, or ordinances, acts, or proceedings passed, adopted, or done, under and in pursuance of said Acts; *And provided, further*, that the officers of said Town, qualified and acting under the provisions of said Acts, shall continue to hold their respective offices, and discharge the duties pertaining to the same as herein prescribed, until the election and qualification of their successors as herein directed.

Take effect.

SEC. 24. This Act shall take effect and be in force from and after the first day of March, eighteen hundred and fifty-nine.

CHAP. CXCIH.—*An Act to authorize the Mayor and Common Council of the City of Los Angeles to Contract a Loan for Irrigating, and other purposes.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Mayor and Common Council of the City of Los Angeles are hereby authorized to borrow money for the purpose of municipal improvements, either of irrigation, or for furnishing water for domestic purposes, and lighting the City, and for any other purpose that may result to the benefit of the City, and belong to the legitimate municipal powers of the corporation, to the amount and in the manner hereinafter set forth. Authorized to borrow money.

SEC. 2. The amount borrowed under the provisions of this Act shall not exceed two hundred thousand (\$200,000) dollars. The rate of interest shall not exceed twelve (12) per cent. per annum. The time of payment of the loans shall not exceed twenty (20) years, nor be less than five (5) years. Limitation—\$200,000.

SEC. 3. The rate of taxation authorized to be levied over and above ordinary taxes, to secure the payment of the money borrowed, shall not exceed, in all, one (1) per cent. per annum on all real and personal property, and the bonds or other evidence of indebtedness shall be issued in amounts of one hundred (\$100) and five hundred (\$500) dollars. Taxation.

SEC. 4. Whenever the corporation of the City of Los Angeles see fit to borrow money under this Act, an ordinance specifying the purpose for which the loan is to be contracted, the amount, time of payment, rate of interest, specifying the rate of taxation proposed to be levied and collected, to provide for the payment of the principal and interest of the loan proposed, shall be passed by a majority of all the members of the Common Council legally qualified, at a regular meeting thereof, and approved by the Mayor. In contracting loan.

SEC. 5. So soon as the Mayor shall have approved and signed the ordinance aforesaid, he shall cause notice to be given of a special election, which shall take place not less than three months from the date of first publication, which notice, together with the ordinance, shall be published in Spanish and English for three months next preceding said special election, in some paper or papers published in Los Angeles City, at least once a week. Publication.

SEC. 6. At the special election aforesaid, each voter shall cause to be written or printed on his ticket, "for the loan," or, "against the loan;" and if a majority of the votes thrown at said election shall be in favor of the proposed loan, then the ordinance so voted on shall be valid and in full force; but if a majority vote against the loan, then the ordinance shall be null and of no effect. Vote.

SEC. 7. The said amount of two hundred thousand (\$200,000) dollars may be borrowed at different times, and in such amounts as the corporation may see fit, subject to the vote of the electors of the City, thereon, as aforesaid. In sums.

Interest.

SEC. 8. For the purpose of paying the interest on any debt or debts that may be contracted by the aforesaid corporation under this Act, and to provide for the payment of the principal of the same when due, said corporation is hereby authorized to mortgage the rents and profits derived from the improvements to be made with the money borrowed under the provisions of this Act, and also to levy and collect, in manner as prescribed for the levying and collection of other taxes, a special tax or taxes, not exceeding the rate of one (1) per cent. per annum, on all the taxable property in the City of Los Angeles, should the whole of said amount of two hundred thousand (\$200,000) dollars be borrowed, and in proportion should the loan or loans made be less than said entire sum, and said special tax or taxes shall continue to be levied and collected without increase or diminution of the rate set forth in the notice of election, provided for in section fifth, until the debt, to the payment of which the same is applicable, shall be satisfied.

Separate funds.

SEC. 9. The moneys arising from the taxes herein before authorized, shall be set apart by the City Treasurer, constituting a separate Fund or Funds, one Fund for each and every loan created under this Act. The City Treasurer shall pay, out of said Fund or Funds, annually, the interest accruing on the said loan or loans, respectively; and the surplus of the said Fund or Funds, after such payment of interest, shall be applied as follows: The said Treasurer, annually, immediately on ascertaining the amount of the surplus in said Fund, or Funds, shall advertise for proposals to the holders of the debt or debts, herein before mentioned, for the cancellation of the principal of the same; said proposals to be sealed and submitted to the Mayor and Common Council of said City for approval, and the Mayor and Common Council shall approve and accept the proposal or proposals most favorable to the said City, and order such surplus funds to be applied accordingly: *Provided*, that the Mayor and Common Council may have the power to reject all or any of the proposals made in any one year, and retain the surplus money in such Fund or Funds, to be applied and paid on accepted proposals in the next following year. But such surplus funds shall not be applied to any purpose, other than the satisfaction of the specific debt, for the payment of which they were collected; nor shall the Funds created and authorized under this Act be mixed, one with the other, but for each loan there shall be a separate Fund.

Proposals.

SEC. 10. The notice for proposals to holders of indebtedness, directed by the preceding section, shall be given in English and Spanish, in some newspaper or newspapers published in Los Angeles County, at least once a week, for one (1) month preceding the day fixed for the receipt of such proposals.

Bonds.

SEC. 11. The bonds, or evidence of indebtedness, which may be issued, under this Act, shall be signed by the Mayor of said City, and the President of the Common Council, and countersigned by the City Treasurer; and the Treasurer shall keep a record of the same, in a suitable book, setting forth amount, rate of interest, when and to whom payable, date, and on what Fund issued.

Sureties of Treasurer.

SEC. 12. Upon the creation of any loan under the provisions

of this Act, and previous to the receipt of any money under it, the City Treasurer shall deposit with the Common Council a good and sufficient bond, with three or more sureties, approved by the Mayor and Common Council, in a sum equal to double the amount of such loan, conditioned for the due and faithful discharge of his duty in receiving, keeping, and disbursing such loan, for which services, in so receiving and disbursing—which shall, in all cases, be upon the order of the Common Council—he shall be allowed, upon the disbursement, two per cent. on all sums, and shall file a quarterly report, counting from the first day of May of each year, setting forth a full statement of all receipts and disbursements, with the City Council.

SEC. 13. All and singular of the right, title, interest, and estate of the State of California held by said State as eminent domain, is hereby granted to the corporate authorities of the City of Los Angeles, to the extent which may be required by said City, for a distance of three miles from without the present confirmed limits of the said City, for the purpose of making a water-ditch or water-ditches, dam or dams, a reservoir or reservoirs. The Mayor and Common Council of the said City are hereby invested with all the privileges, powers, and rights, now conferred by law upon railroad companies, in and about the right of way over, and the right of entering into, and the right of appropriating and undermining, for their own use, any lands that they, or their officers, may judge necessary for the suitable prosecution and success of their water-improvements, by section twenty-seventh of said Act, as amended on the tenth of April, one thousand eight hundred and fifty-five. Reservoirs.

CHAP. CXCIV.—*An Act to authorize the Board of Supervisors of Sutter County to construct a Bridge across Feather River.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. To the County of Sutter is hereby granted the right and privilege of constructing and keeping, across Feather River, a bridge for public use, extending from Fifth street of the City of Marysville, in the County of Yuba, to the opposite bank of said River. Authorized to construct bridge.

SEC. 2. The said bridge shall have a double track, of sufficient width and capacity for the accommodation of the public, and shall be constructed in a good and substantial manner, of durable and proper material, with a draw of not less than thirty feet in width. width.

SEC. 3. The Board of Supervisors of said County shall have the power to receive subscriptions and donations for the erection and construction of said bridge, and shall, upon the payment of any such subscription, or the receipt of any such donation, make imme- Bridge fund.

diata deposit of the money arising therefrom with the County Treasurer of said County, to the credit of a fund which shall be called "The Bridge Fund," taking the Treasurer's receipt therefor.

Disbursing
of fund.

SEC. 4. The Treasurer of said County shall receive any and all funds paid over to him under the provisions of this Act, and shall enter the same upon the books of his office to the credit of the "Bridge Fund," and shall disburse the same upon the warrants of said Board of Supervisors on such Fund.

Plans and
specificat'ns.

SEC. 5. Within twenty days after there shall have been subscribed and paid into the Treasury, for the purpose of the erection of said bridge, a sum not less than five thousand dollars, said Board of Supervisors shall make advertisement in one or more daily public newspapers published in this State, for thirty days next thereafter, for plans and specifications for the construction of said bridge, and shall, within twenty days after the expiration of the time specified for such advertisement, adopt a plan of said bridge, and, immediately thereafter, make public advertisement, for thirty days, in one or more daily newspaper published in this State, stating a readiness on the part of said Board to receive proposals for the construction of said bridge, in accordance with the plans and specifications adopted, and that they will award the contract to the lowest bidder, who will give good and sufficient security for the completion of any contract which he may make respecting the same.

Contract.

SEC. 6. Any contract entered into for the construction of said bridge, as herein before provided, shall stipulate for the completion thereof within six months after the making of such contract, and shall provide for the payment thereunder, to be made by the warrants of the Board of Supervisors, upon the Treasurer of said County, payable out of any moneys in his hands belonging to the said Bridge Fund.

Warrants.

SEC. 7. Said Board of Supervisors are hereby authorized to draw their warrants upon the County Treasurer of said County, payable out of the "Bridge Fund," in accordance with any contract they may make under the provisions of this Act, and such warrants, from the time of their presentation to the County Treasurer for payment, until paid, shall bear interest at the rate of ten per cent. per annum; *Provided, however,* that no warrant shall bear interest for a longer period than three months, unless the same shall have been presented for payment during that time.

Registered.

SEC. 8. It shall be the duty of said County Treasurer to keep a register of said warrants, in order of their presentation for payment, and if there be no moneys in his hands belonging to said Bridge Fund, to indorse upon the back of each warrant the date of said presentation, and thereafter to pay the same in their order of registry, as, from time to time, any moneys shall be paid over to him to the credit of said Bridge Fund.

Rates of toll.

SEC. 9. The Board of Supervisors, upon the erection and completion of said bridge, are hereby authorized and empowered to charge and collect such rates of toll as they may, from time to time, by the action of said Board, fix, until the sum arising therefrom, over and above the cost and charges of collecting the

same, shall amount to fifteen thousand dollars, or shall amount to a sum sufficient to pay for the cost and expense of constructing said bridge, over and above the amount donated for that purpose; *Provided*, the cost of said bridge, over and above the amount donated, be less than fifteen thousand dollars, from and after which time the said bridge shall be free for all crossings of persons or property.

SEC. 10. Said Board of Supervisors shall appoint some suitable person to collect and receive the tolls charged for the crossing of said bridge, and shall require from the person so appointed a bond for the faithful performance of his duties, in a sum not less than one thousand dollars, to be approved by said Board. Collector of toll.

SEC. 11. It shall be the duty of the person so appointed for the collection of tolls, to pay over to the County Treasurer of said County, each day, to the credit of the Bridge Fund, all moneys or tolls collected by him the preceding day, taking the Treasurer's receipt therefor, which receipt shall be filed by such person at the end of each week, with the County Auditor of said County. The charged amount of each day's payment to the Treasurer, with the date thereof, shall be entered by the person making such payment in a book to be kept by him for that purpose; and at each meeting of the Board of Supervisors such person shall make oath that such entries contain a full, true, and accurate, account of all moneys collected by him for, or on account of, tolls or crossing of said bridge. Pay to County Treasurer.

SEC. 12. Said Board of Supervisors may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed not to be faster than a walk, and for each violation may recover judgment before any competent Court, for any damage sustained by such travel, riding, or driving, exceeding the speed authorized. There shall be kept, in some conspicuous place, at each end of the bridge, a bulletin-board, which shall contain the scale of prices or tolls, and notice of speed allowed on said bridge. Regulations.

SEC. 13. The Board of Supervisors of said County shall locate and open such road or roads, to or from said bridge, as the public convenience may demand; and, for that purpose, may enter upon and take possession of any land and real estate. If the same be private property, and the right of way over and through it be not obtained by agreement, within thirty days after the passage of this Act, said Board of Supervisors shall immediately appoint three disinterested persons as Commissioners to appraise the damage done to such land and real estate by such road or roads, and the compensation to be made therefor. Such Commissioners shall, after publication of notice of the time and place of meeting for ten days, in some newspaper published in the City of Marysville, immediately proceed to hear, examine, and determine, such question of damage and compensation, and to award the amount of the same to the person or persons in their judgment entitled thereto, and the amount so awarded shall at once be paid over to the party or parties so entitled; *Provided, however*, that any conflicting claims to the ownership of such land or real estate, or to the amount so awarded as damage or compensation, or said Commissioners can Roads.

not determine who are such owners and entitled to such compensation, such conflict or inability to determine shall not in any manner operate to prevent the immediate opening of such road or roads; but in such case, the amount of the damages so assessed, and compensation awarded, shall be placed in the County treasury of Sutter County, subject to the order of the party or parties establishing the right thereto, and thereupon the said Board of Supervisors shall proceed as though such compensation had been paid to parties entitled thereto.

Quorum.

SEC. 14. A majority of said Board of Supervisors shall be competent to perform all business to be done by said Board under the provisions of this Act.

CHAP. CXCV.—An Act to authorize the County of Santa Barbara to issue Bonds for the Funding of its Debt and the Construction of Roads, and to provide for the Payment of the said Bonds.

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authorized
to fund the
debt.

SECTION 1. The County of Santa Barbara is hereby authorized to fund that part of its debt, consisting of warrants outstanding and unpaid, drawn upon the General Fund of said County, before the date of March the first, A. D. one thousand eight hundred and fifty-nine; and to that end, the President of the Board of Supervisors, the County Auditor, and the County Treasurer of said County, shall constitute a Board of Commissioners, to be styled "the Commissioners of the Funded Debt of the County of Santa Barbara," and shall have and exercise the powers, and perform the duties, hereinafter provided.

Seven per
cent. bonds.

SEC. 2. The said Commissioners shall cause to be prepared, bonds bearing seven per cent. per annum interest, from March first, one thousand eight hundred and fifty-nine, of the denomination of one hundred and five hundred dollars each, payable at the Treasurer's office in said County, on or before the first day of March, one thousand eight hundred and seventy-nine. Every bond shall be signed by all of said Commissioners, and be authenticated with the seal of the County Court, and shall purport that the County of Santa Barbara owes the holder thereof the sum named in the bond, payable and bearing interest as aforesaid.

Coupons.

SEC. 3. Said bonds shall have twenty coupons annexed thereto, and there shall be expressed thereon, the amount of interest due each year, when and where payable, and shall be signed by all of said Commissioners; the interest shall be paid by the Treasurer of said County, at his office, annually, on the first day of March, on presentation of the respective coupons therefor.

Warrants.

SEC. 4. From and after the passage of this Act, all persons having any outstanding warrants drawn upon the General Fund

of said county, before the said first of March, one thousand eight hundred and fifty-nine, shall, upon presentation to said Commissioners of the said warrants, receive in exchange therefor a bond or bonds of the county of Santa Barbara, with coupons annexed thereto as provided for in this Act, for the amount of principal and interest due thereon upon said last-mentioned first day of March; and may, furthermore, receive a certificate of indebtedness for any amount less than one hundred dollars; and the holder of any several of such certificates amounting to one hundred dollars or more, shall, upon like presentation, be entitled to receive the amount in the manner aforesaid.

SEC. 5. It shall be the duty of the Commissioners to keep an account of the number, denomination and amount of all bonds and of all the aforesaid certificates of indebtedness signed by them, and also an account of all blank bonds; they shall also keep a separate record of the issuing of the same, showing the date of issue, to whom issued, and the number of each bond and certificate. All outstanding warrants and certificates, so re deemed, shall be marked "funded" across the face thereof, and kept by the County Treasurer. Record of bonds.

SEC. 6. The said Commissioner's duties, under the provisions of this Act, shall be deemed a part of his official duties as County Treasurer and County Auditor, of those two officers, respectively, and, upon any dereliction of duties imposed by the provisions of this Act, or of any Act hereafter passed in amendment thereof, shall be liable individually, and upon their official bonds. The like liability will attach to the President of the Board of Supervisors, as a member of said Board of Commissioners, to which effect he will give a bond, to be approved by the County Judge of said County, in the penal sum of five thousand dollars conditioned for the faithful performance of his duties under this Act. The said Commissioners may, at the expiration of their office, present, to the Board of Supervisors, an account of the expenses incurred, and the same shall be audited by said last-mentioned Board, together with such reasonable remuneration for their labors as the Supervisors shall deem just. Duties of Commissioners.

SEC. 7. On the first day of August next, the said Board of Commissioners shall file, in the County Recorder's office, all their books, papers, vouchers, etc.; they shall destroy the plates upon which the bonds were printed, and their office, as such Commissioners, shall cease and expire. Expiration of term.

SEC. 8. On or before the first Monday in each, after the present, year, the Auditor of the County of Santa Barbara shall present, to the Board of Supervisors of said County, a certified statement of the amount required to pay the annual interest on all the bonds outstanding, and also the amount required to redeem the one-twentieth part of the first principal of said funded debt in each year; and before the first day of June, in the present year, the said Auditor shall present a like statement, by computation, of the amount likely to be required to pay the first annual instalment of interest. Interest.

SEC. 9. In addition to the taxes now authorized by law to be levied in the County of Santa Barbara, there shall be levied and collected, by the proper officers of said County, a tax, to be Special tax.

called "The Funded Debt Tax," to meet the requirements mentioned in section eight. The manner of levying and collecting said tax shall be the same as that provided by law for levying and collecting State and County taxes; *Provided*, that for the present year the same may be levied and assessed at a special meeting of the Board of Supervisors, to be held and called to that effect.

Proposals for
surrender of
bonds.

SEC. 10. On the first day of March, one thousand eight hundred and sixty, and annually thereafter, it shall be the duty of the Treasurer of said County, from the money in his hands, raised by said Funded Debt Tax, to pay the annual interest on the bonds outstanding; and, also, redeem one-twentieth part of the first principal of said bonds, or such amount of said bonds as the surplus money in his hands will redeem, at the lowest value at which they may be proposed to be liquidated, after advertising for two weeks, by publication, for sealed proposals for the redemption of said bonds. The said Treasurer shall open the said proposals at the time and place specified in the publication, in the presence of such persons as choose to be present, and shall accept only of such as shall cancel the greatest amount of said bonds; *Provided*, that no bonds shall be redeemed at a greater sum than par, without interest.

Cancel.

SEC. 11. Whenever the County Treasurer shall pay any coupons or bonds, under the provisions of this Act, he shall cancel the same and preserve said canceled coupons and bonds, and keep a record thereof, giving the number, date, and amount of each, and from whom received, and shall write across said bonds and coupons, "canceled by me," and sign his name thereto, as Treasurer.

Prohibition.

SEC. 12. It shall not be lawful for the County Treasurer to pay or liquidate any of the said warrants drawn upon the said General Fund of the County of Santa Barbara, before the said first day of March, A. D. eighteen hundred and fifty-nine, in any other manner than herein provided.

Other bonds.

SEC. 13. The said Board of Commissioners, previously to the expiration of their term of office, as above provided, shall, over and above the bonds necessary to be executed for the purpose of funding the debt of the County, execute, in due form for delivery, other bonds to the amount of fifteen thousand dollars, and deposit the same with the County Treasurer, whose duty it will be to dispose of the same as hereinafter mentioned.

Vote on
increasing
the debt.

SEC. 14. It shall be lawful for the Board of Supervisors of said County to ascertain and inquire, in a manner to be devised and published by them, through the ballot-box, at any general election, or at a special election to be called by them, whether the majority of the electors of the County of Santa Barbara are in favor of incurring a further debt of fifteen thousand dollars, according to the terms aforesaid, for the purpose of improving the roads of said County. And if the majority at such election should be against such road debt, then the Supervisors shall order the bonds mentioned in the foregoing section to be destroyed. But if the majority should be in favor of such road debt, then it shall be lawful for said Board of Supervisors to direct the Treasurer from time to time to sell at auction, upon such terms and in such

a manner as they shall deem best, the aforesaid bonds, or so much thereof as may be necessary for the repair or construction of roads in said County. And the proceeds thereof shall be kept apart by the said Treasurer as a Road Fund, to meet any warrants that may be drawn by said Board upon such Fund, for the purposes aforesaid.

SEC. 15. For the purpose of laying out all, or any part of the said Road Fund, for the construction and improvement of roads in said County, the Supervisors of said County are hereby invested with special powers to cause surveys to be made, to invite proposals, to make and enter into contracts, order constructions and repairs, and pay for the same, in such manner, at such times, and in such localities as to them may seem most advantageous for the public good. Proposals.

SEC. 16. An Act passed March thirty-first, eighteen hundred and fifty-seven, entitled an Act to provide for the payment of the debts of the Counties of San Luis Obispo and Santa Barbara, and, also, an Act amendatory of the same, passed April twenty-first, eighteen hundred and fifty-eight, so far as the same relate to the County of Santa Barbara, and all Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed. Repealing clause.

SEC. 17. Section two of the amendatory Act mentioned in the last section, is hereby repealed, as regards both the counties therein named; and section two of the original Act, so far as regards the County of San Luis Obispo, is hereby revived, and declared to be in full force and effect. Act revived.

CHAP. CXCVI.—*An Act for the settlement of the Estate of William Knight, deceased.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be lawful for the administrator of the estate of William Knight, deceased, to sell such portion or portions of the real estate of which the said William Knight died seized or possessed, or such undivided interest in said real estate, as may be deemed necessary and proper for the payment of the debts of said estate, the support and education of the family of said deceased, the expenses of administration, the taxes due or to become due upon the real estate of said deceased, and all other valid claims or debts against said estate, and the expenses of final distribution and partition of the estate among the heirs and representatives of the deceased, at such time or times, on such terms, and in such manner, whether at public or private sale, as shall be most advantageous to said estate. Authorized to sell real estate.

SEC. 2. After the administrator of said estate shall have made

After final
settlement.

a final settlement and distribution of said estate, it shall be lawful for the guardian of the minor heirs of said William Knight and Carmel Knight, late widow of said William, now deceased, to sell at public or private sale, as shall be deemed most advantageous to the interests of said minors, the whole or an undivided interest of each or all of said minors in any real estate owned or claimed by said minors as heirs of said William and Carmel Knight, or either of them.

Report to
Probate
Judge.

SEC. 3. Said administrator and guardian shall each make a full report of any sale or sales that shall be made by virtue of the powers herein granted to the Probate Court of the county of Yolo, and the Judge of said Court shall, either in term-time or vacation, in open Court or in chambers, examine the same, and confirm or set aside the said sale or sales, as he may deem just and proper and for the interests of said estate or minors.

Conveyance.

SEC. 4. The administrator and guardian aforesaid, are hereby severally authorized, upon the confirmation of any such sale or sales, and the compliance, on the part of the purchaser, with the terms of said sale or sales, to execute, acknowledge, and deliver, to the purchaser or purchasers, a legal conveyance of the premises so sold, which shall absolutely and forever convey to, and vest in the grantee or grantees therein, all the right, title, interest, claim, and demand, reversion and remainder, legal and equitable, of the said deceased, or of said minors, as the case may be; *Provided, however*, that no deeds or conveyances for said real estate, or any part thereof, shall be valid, or convey any title, unless the sale shall have been confirmed by the Probate Judge aforesaid, previous to the execution of such deed or conveyance; *And provided, further*, that no such sale or sales shall be approved by said Probate Judge, until said administrator and guardian, respectively, shall have filed in said Court a bond or bonds, with sufficient sureties, justified to in accordance with the law relating to official bonds of officers, in double the value of the real estate sought to be sold, conditional for the faithful disposition and custody of said funds for the benefit of said estate, or minors, as the case may be.

Surplus.

SEC. 5. Any and all surplus funds that may remain in the hands of said guardian of said minors, derived from any sales made as aforesaid, by said guardian, shall be laid out and invested for the benefit of said minors, respectively; and said guardian shall, from time to time, as required by law, report, to the Probate Court of Yolo County, a full statement of the property of said minors, and shall be responsible on his bonds as guardian for the safe-keeping and proper management of the property of said minors.

CHAP. CXCVII.—*An Act to amend an Act entitled "An Act to authorize George H. Ensign and others, owners of the Spring Valley Water-works, to lay down Water-pipes in the Public Streets of the City and County of San Francisco," passed April twenty-third, eighteen hundred and fifty-eight.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act is hereby amended so as to read as follows :

Section one—The said George H. Ensign, and his associates and their assigns, shall have the right, and the same is hereby granted to them and their assigns, to lay down distributing iron water-pipes in any of the public streets, ways, or alleys of the City and County of San Francisco; *Provided*, said pipes shall be so laid down as not to interfere with or obstruct any gas or water-pipes of any other parties, laid down by authority of law, for the purpose of introducing and furnishing fresh water, for the supply of the inhabitants of said City and County of San Francisco; *Provided*, that to the extent of three thousand running feet of said pipes be laid down within two years from and after the passage of this Act, and water furnished therefrom to such citizens along the line, street, or streets, where said iron pipes shall be laid down as may elect to take the same; and the balance of said iron pipes to be laid down as soon thereafter as practicable.

Right to lay pipes.

SEC. 2. Nothing herein contained, or contained in the Act passed April twenty-third, eighteen hundred and fifty-eight, shall in any manner enure to or be so construed as to affect any rights or privileges heretofore granted to either the Mountain Lake Water Company or the San Francisco City Water-works Company.

Not to affect other rights.

CHAP. CXCVIII.—*An Act to authorize the re-issue of certain Lost School-land Warrants.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Treasurer of State is hereby authorized and directed to issue, in the name of O. M. Evans, in the County of Butte, or in the name of his assigns, (duly proved before a Notary Public, by acknowledgment, to be such,) the following described California school-land warrants, viz. : numbers one hundred and seventy-six, (176,) and one hundred and seventy-seven, (177,) each for one hundred and sixty (160) acres of land, and formerly

Duplicate.

issued to James S. Bell, June twelfth, eighteen hundred and fifty-two.

SEC. 2. Before said land warrants are delivered to said Evans, or his assigns, the Treasurer shall demand and secure from the said O. M. Evans a bond of indemnity, in the sum of six hundred and forty (\$640) dollars. Said bond shall be payable to the State of California, conditioned against the appearance or presentment for location, of the original school-land warrants, herein before mentioned; and said bond shall be executed by at least two good and sufficient sureties, to be approved by the Treasurer of State.

CHAP. CXCIX.—*An Act to provide for the better encouragement of the culture of the Vine and the Olive.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Vine and
olive
exempted.

SECTION 1. No tax, of any nature whatever, shall be hereafter assessed or collected from the owners, managers, or agents, of newly-planted vines or olives, on account of the same, until the vine shall have obtained the age of four years, and the olive seven years; *Provided*, that this Act shall not be so construed as to exempt such vines and olives from such assessment and taxes as it may hereafter be deemed necessary for the purpose of irrigation.

CHAP. CC.—*An Act supplementary to, and amendatory of, an Act entitled "An Act to Incorporate the Town of Petaluma," approved April the twelfth, eighteen hundred and fifty-eight.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Board of
Trustees.

SECTION 1. Section nine of the above-recited Act is hereby amended so as to read as follows :

Section nine—The Board of Trustees shall have power, and it is hereby made their duty, to make such by-laws and ordinances, not inconsistent with the laws and Constitution of the United States, and of this State, as they may deem necessary; to prevent and remove nuisances within the limits of said City; to regulate the storage of gunpowder and other combustible materials; to prohibit disorderly conduct; to license and regulate auctioneers, taverns, bar-rooms, theatricals, circuses, and all other shows, elections, and places of amusement; to regulate

and license tippling-houses, and dram-shops, hawkers, peddlers, and pawnbrokers; also, to regulate and prohibit all disorderly houses of all kinds; to construct public reservoirs, or other works necessary to supply the City with water; to prepare and keep in repair public cisterns and wells; to lay out, alter, keep open, and repair all streets, alleys, sidewalks of the City, and to establish grades of the same. The grading, paving, planking, sewer-ing, and repairing of every kind, shall be done at the equal one-third expense of the adjacent lots, on each side of the street, and one-third by the City; each separate and distinct owner being at liberty, and being required, under the direction of the President of the Board of Trustees, to do or cause to be done, at his own expense, the work, repairs, and improvements in front of his own premises, one-third of the width of the street. To provide such means as they may deem necessary, to protect the City from injuries of fire; to levy and collect, annually, a tax on all property in the City, subject to taxation, under the laws of the State, not exceeding one per cent. on the assessed value thereof; to levy and collect a school-tax on each male resident between the ages of twenty-one and fifty years, not to exceed two dollars; to impose and collect a tax on dogs, not exceeding five dollars per annum, on every dog found running at large, or owned within the corporate limits of the City; to provide for the impounding of swine and cattle; to establish and regulate markets; to impose and appropriate fines, penalties, and forfeitures of breaches of ordinances passed from time to time; *Provided*, no ordinance shall fix the fine for one offence above two hundred dollars, or the imprisonment for one offence more than sixty days; to build a City-prison, and establish a Police, if deemed necessary by the Board; to provide for and establish a chain-gang; and to pass such other by-laws and ordinances for the regulation and government of said City as they may deem necessary.

And the said Board of Trustees shall have the full power to contract for the improvement of the navigation of Petaluma Creek, between a place on said Creek commonly known as the Haystacks, and the head of navigation, by cutting canals across the points of land making large bends in said Creek, and erecting lock or locks, dam or dams, across said Creek or canals; and they shall, also, have full power to sell, transfer, and convey, all or any part of the rights, privileges, franchises, and immunities, that the State of California may hereafter grant to said City concerning the said improvements of the said Creek, by giving notice of the same, for thirty days, in one or more of the daily papers in San Francisco, stating the work to be done, and the manner in which it is to be done, and appointing a day and place where and when sealed bids will be received and opened; and such parties as may agree to do the same on the most favorable terms, and giving good and satisfactory bond for the faithful performance of the contract, shall be the purchaser; *Provided*, the said bond and proposal shall be accepted by said Trustees.

CHAP. CCI.—*An Act to legalize the Acknowledgments of Instruments in Writing, heretofore taken by any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within this State.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Proceedings
legalized.

SECTION 1. All acknowledgments of any deeds, mortgages, or any instrument in writing, heretofore taken by or before any Deputy Clerk of the late Superior Court of the City of San Francisco, or by any Deputy County Recorder within any County in this State, either in the name of any of said Deputies or in the name of their principal, by any of said Deputies, shall have the same force and effect in all the Courts of this State, as though the same were taken before the Clerk of the said Superior Court, or before any County Recorder; *Provided*, nothing in this Act shall be so construed, as in any manner to affect the rights of any subsequent purchasers in good faith.

CHAP. CCII.—*An Act to provide for the Administration of the Fire Bond Sinking Fund of the City and County of San Francisco.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Commission-
ers.

SECTION 1. The President of the Board of Supervisors, the Auditor and the Treasurer of the City and County of San Francisco, and their successors in office, are hereby constituted Commissioners of the Fire Bond Sinking Fund of said City and County.

Proposals.

SEC. 2. Said Commissioners shall have the custody and management of said Fund, and shall have power to cause the said Treasurer, from time to time, to advertise for proposals to redeem or surrender said bonds upon the best terms, not exceeding their par value, to the extent of the money at credit of said Sinking Fund, and if no tenders are made, then said Commissioners shall have power to loan said money, or any part thereof, on the security of any bonds of the City and County of San Francisco, or of the State of California, at the best rate of interest obtainable.

Repealing
clause.

SEC. 3. All laws, and parts of laws, in conflict with the provisions of this Act, are hereby repealed.

CHAP. CCIII.—*An Act concerning Public Administrators.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Whenever it shall appear, from the returns made in pursuance of the foregoing sections, that any money remains in the hands of the Public Administrators, (after a final settlement of the estate,) that is unclaimed by legal heirs or other claimants, and which, in pursuance to law, should be paid over to the County Treasurer, then it shall be the duty of the Probate Judge to order the same to be paid over to the County Treasurer, and, on failure of the Public Administrator to comply with the said order within ten days after the same is made, then it is hereby made the duty of the District-Attorney for the County to immediately institute the requisite legal proceedings against the said Public Administrator, for the procuring of a judgment against him, and the sureties on his official bond, to the amount of the money so withheld, and costs.

In case of
unclaimed
surplus.

CHAP. CCIV.—*An Act to define the Boundary-Line of Tuolumne County.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The boundary-line of the County of Tuolumne is hereby established as follows: Beginning at the south-east corner of San Joaquin County, at the corner where said County adjoins the County of Calaveras, and running in a south-easterly course, on a direct line, to the Big Falls, on the Tuolumne River, in the mouth of the large cañon, one mile north of Dye's saw-mill, near Sparks' Old Ferry; thence, in a direct line, to the north-westerly corner of Mariposa County; thence in a north-easterly direction, following the dividing ridge between the Tuolumne and Merced rivers, to the summit of the Sierra Nevada, in a north-westerly direction, to the head-waters of the north Fork of the Stanislaus River; thence in a westerly direction, following the thread of said north fork of the Stanislaus River, to the junction of said north fork with the middle fork of the Stanislaus; thence in a south-westerly direction, following the thread of the Stanislaus River, to the place of beginning.

Boundary-
line.

CHAP. CCV.—*An Act to grant the right to improve the Navigation of Petaluma Creek.*

[Approved April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Canal and locks.

SECTION 1. The City of Petaluma, or assigns, shall take, have, possess, and enjoy, all the right of way, franchise, and immunities hereinafter mentioned, and have full power to open and improve the channel of Petaluma Creek, in the county of Sonoma, commencing at a point on said Creek near a place commonly known as the Haystack or Rudesill's Landing, and running to a point on said Creek at the upper line at the foot of Washington street, in Petaluma City, by cutting canal across not less than three of the points of land where the largest bends are made in said Creek, and by constructing and building a lock or locks, dam or dams, in or across said Creek or canals, by which the navigation thereof may be improved, and have and enjoy all the rights, privileges, and immunities thereunto appertaining, or in any way belonging.

Capacity.

SEC. 2. The aforesaid improvement shall be of such a nature as to accommodate all vessels adapted to the navigation of the said Petaluma Creek, and the aforesaid canals, when completed, shall be not less than seventy feet wide at the top and fifty-five feet wide at the bottom, and not less than six feet deep, below the surface of average high-tide-water. The aforesaid lock or locks shall be constructed in a good and substantial manner, and of good material, and of sufficient width and capacity to admit of all vessel adapted to the navigation of the said Petaluma Creek to pass through with ease, expedition, and safety.

Right of way.

SEC. 3. In consideration of the aforesaid improvements, the right of way for the aforesaid canals, and sixty feet on each side thereof, is hereby granted and conveyed to the said City of Petaluma, or assigns; *Provided*, the same shall be on the swamp and overflowed lands belonging to the State of California; and whenever the said canals shall pass through the lands of private parties, the said City of Petaluma; or assigns, shall pay the full valuation of all lands thus appropriated, which valuation shall be determined by five appraisers, two of whom shall be selected by the said City of Petaluma, or assigns, and two by the party in interest, and one to be elected by the four appraisers herein provided for, and shall have and enjoy all the rights, privileges, and immunities, thereunto appertaining or belonging to said lands.

Owned by the City.

SEC. 4. The said canals, and all rights, privileges, and immunities, herein granted to the said City of Petaluma, or assigns, shall be, and remain, the property of the same for the term of twenty years from the completion thereof; *Provided*, that within one year from the passage of this Act, the said City of Petaluma, or assigns, shall commence the construction of the said work, and, within two years thereafter, shall build, and fully complete, the same. Otherwise, the right to construct the same shall be

forfeited, and the Act become null and void. After the expiration of the said twenty years, the said canals, lock or locks, dam or dams, together with the lands described in section three of this Act, shall revert to the State of California; after which time the right to collect toll shall cease.

SEC. 5. The said City of Petaluma, or assigns, shall have the right and power to charge and collect seven cents per ton for all vessels passing through the aforesaid lock, or locks, and canals, either way, for the first ten years, and after that time five cents per ton; the tonnage of vessels to be computed as by registration; *Provided*, that said assigns shall only have the right and power to charge and collect such rates of toll, not to exceed the rates in this section mentioned, as may be stipulated in the contract by which they acquire the right from the said City to do the said work. The said City of Petaluma, or assigns, may regulate and determine the manner and speed of all vessels passing through said lock, or locks, and canals, providing the same shall be reasonable, and any vessels violating any such regulations shall be made to pay such damages as shall be adjudged by a Court of competent jurisdiction. Said City of Petaluma, or assigns, shall, at all times, keep posted, in some conspicuous place, near the entrance of said lock, or locks, the rate of tolls, and the regulations in regard to the manner and speed of vessels passing through said lock, or locks, and canals; and the said City of Petaluma, or assigns, shall, at all times, keep the said lock, or locks, in good working condition, and shall keep constantly in attendance a sufficiency of help to open the said lock, or locks, for the accommodation of all vessels wishing to pass through the same; and any damage that may accrue, by reason of the neglect, or absence, or insufficiency of such help, to perform the duties as herein prescribed, shall be at the cost and expense of the said owners, to be recovered by an action in any Court of competent jurisdiction.

CHAP. CCVI.—*An Act to audit and allow the Claim of Joseph Nougues.*

[Became a Law by operation of the Constitution, April 11, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The claim of Joseph Nougues, for labor done, \$5,358 42. and materials furnished, on Capitol, under a contract entered into with the State, under an Act entitled an Act to provide for the construction of the State Capitol, in the City of Sacramento, approved April eighteenth, eighteen hundred fifty-six, for five thousand three hundred and eighty-eight dollars and forty-two cents, is hereby audited and allowed.

[This bill having remained with the Governor ten days, (Sun-

days excepted,) and the Senate and Assembly being in session, it has become a law this eleventh day of April, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CCVII.—*An Act to appropriate Money to pay Certain Claims.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums be, and the same are hereby, appropriated out of any money in the Treasury, not otherwise appropriated, for objects hereinafter expressed : The sum of two hundred and seventy dollars, for the purpose of paying John S. Lee, for services as Journal-Clerk to Senate, from the twenty-seventh day of April to the twenty-sixth day of May, A. D. eighteen hundred and fifty-eight; and the sum of fifty dollars, for the purpose of paying John C. Boggs, for arresting an escaped convict, Thomas Lawrence, in the month of June, eighteen hundred and fifty eight; and the sum of seventeen dollars and fifty cents, to pay Martin Clark, for services as waiter in Insane Asylum, in the month of May, A. D. eighteen hundred and fifty-eight; and the sum of twenty-two dollars, to pay Henry Lewis, for services as assistant cook in Insane Asylum, in the month of April, A. D. eighteen hundred and fifty-eight.

CHAP. CCVIII.—*An Act to audit Certain Claims.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The claim of Marks & Brothers, for groceries, provisions, etc., furnished the Insane Asylum, in the month of November, A. D. eighteen hundred and fifty-six, the sum of ninety-seven dollars and seventy-seven cents, is hereby audited and allowed.

Cohn & Co. And the claim of Cohn & Co., for blankets furnished the Insane Asylum, in the month of November, A. D. eighteen hundred and fifty-six, the sum of one hundred and seventy-three dollars and twenty-five cents, is hereby audited and allowed.

Fanning. And the claim of H. M. Fanning, for removing main frame-building of the Insane Asylum, in August, A. D. eighteen hundred and fifty-six, the sum of seven hundred dollars, is hereby audited and allowed.

And the claim of J. J. Ames, for publishing proclamation of the Governor in the San Diego Herald, in October, A. D. eighteen hundred and fifty-six, the sum of twenty-three dollars and seventy-five cents, is hereby audited and allowed.

And the claim of J. Sarles, for milk furnished the Insane Asylum, in the months of October and November, A. D. eighteen hundred and fifty-six, the sum of one hundred and thirty-seven dollars and twenty-five cents, is hereby audited and allowed.

CHAP. CCIX.—*An Act amendatory of, and supplemental to, an Act entitled "An Act to create a Board of Water Commissioners in the County of San Bernardino, and define their Duties," approved March sixth, A. D. eighteen hundred and fifty-seven.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section eleven of said Act is hereby amended so as to read as follows :

Section eleven—Any person using the water, when it is not his right to do so, and when it belongs to any person below him, and any person obstructing the water of any ditch, either by dam or otherwise; or who shall throw, or cause to be thrown, any filth into any such ditch; or who, under section four of the provisions of this Act, shall obtain a greater quantity of water than is justly his right, according to the number of acres of land actually irrigated, by fraudulently overstating the number of acres to be irrigated by such water, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be fined not more than fifty dollars for the first offence, and not more than one hundred dollars for every subsequent offence of like nature, recoverable at the suit of the Overseers, or at the suit of any person injured by such fraudulent statement of number of acres to be irrigated. Such suit may be brought before any Justice of the Peace of the Township, to be appropriated to the payment of Overseers' salaries, or repairing said ditch. Penalty.

CHAP. CCX.—*An Act to amend an Act entitled "An Act to regulate Proceedings in Civil Cases, in the Courts of Justice of this State," passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four hundred and three of said Act is hereby amended as follows:

Subpœna. Section four hundred and three—The subpœna shall be issued as follows:

1. To require attendance before a Court, or at the trial of an issue therein, it shall be issued in the name and under the seal of the Court before which the attendance is required, or in which the issue is pending.

2. To require attendance out of Court, before a Judge, Justice, or other officer authorized to administer oaths, or take testimony in any matter under the laws of this State, it shall be issued by the Judge, Justice, or other officer before whom the attendance is required.

3. To require attendance before a Commissioner appointed to take testimony by a Court of a foreign country, or of the United States, or of any other State in the United States, or of any other District or County within this State, it may be issued by any Judge or Justice of the Peace, in places within their respective jurisdiction, with like power to enforce attendance, and, upon certificate of contumacy to said Court, to punish contempt of their process, as such Judge or Justice could exercise if the subpœna directed the attendance of the witness before their Courts in a matter pending therein.

SEC. 2. Section four hundred and twenty-nine of said Act is hereby amended so as to read as follows:

Depositions. Section four hundred and twenty-nine—Either party may have the deposition taken, of a witness in this State, before any Judge, or Clerk, or any Justice of the Peace, or Notary Public in this State, on serving on the adverse party previous notice of the time and place of examination, together with a copy of an affidavit, showing that the case is one mentioned in the last section. At any time during the forty days, immediately after the service of summons by publication has been completed, and at any time thereafter, when the defendant has not appeared, the notice required by this section may be served on the Clerk of the Court where the action is pending. Such notice shall be at least five days, and, in addition, one day for every twenty-five miles of the distance of the place of examination from the residence of the person to whom the notice is given, unless, for a cause shown, a Judge, by order, prescribe a shorter time. When a shorter time is prescribed, a copy of the order shall be served with the notice.

SEC. 3. Chapter seventh of said Act is hereby amended so as to read as follows:

CHAPTER VII.—OF PROCEEDINGS TO PERPETUATE TESTIMONY.

Section four hundred and thirty-seven—The testimony of a witness, or witnesses, may be taken and perpetuated, as provided in this chapter.

Section four hundred and thirty-eight—The applicant shall ^{Petition.} present to a District or County Judge, a petition, verified by the oath of the applicant, stating, first, that the applicant expects to be a party to an action in a Court in this State, and in such case, the name or names of the person, or persons, whom he expects will be adverse parties; or second, that the proof of some fact, or facts, is necessary to perfect the title to property in which he is interested, or to establish marriage, descent, heirship, or any other matter which may hereafter become material to establish, though no suit may at the time be anticipated, or, if anticipated, he may not know the parties to such suit; and third, the name or names of the witness, or witnesses, to be examined, his or their place of residence, and a general outline of the facts expected to be proved. The Judge, to whom such petition is presented, shall make an order allowing the examination, and prescribing the notice to be given, which notice, if parties are known and reside in this State, shall be personally served on them; and if unknown, such notice shall be served on the Clerk of the County where the property to be effected by such evidence is situated, and a notice thereof published in some newspaper to be designated by the Judge making the order.

Section four hundred and thirty-nine—Upon proof of service ^{Deposition.} of the notice, as provided in the last section, it shall be the duty of the Judge, before whom the depositions are ordered to be taken, to proceed to take the depositions of the witnesses named in said petition, upon the facts therein set forth, and the taking of the same may be continued, from time to time, in the discretion of the Judge.

Section four hundred and forty—The examination shall be by ^{Examinat'n.} question and answer, unless the parties otherwise agree. The deposition, when taken, shall be carefully read to, and subscribed by, the witness, then certified by the Judge, and, immediately thereafter, filed in the office of the Clerk of the District Court of the County where the same was taken, together with the order for the examination, the petition on which the same was granted, and the proof of service of notice.

Section four hundred and forty-one—The affidavits, or other ^{Affidavits.} proof filed with the depositions, or certified copies thereof, shall be *prima facie* evidence of the facts therein stated.

Section four hundred and forty-two—If a trial be had between ^{In case of absence.} the parties named in the petition as parties expectant, or their successors in interest, or between any parties wherein it may be material to establish the facts which such depositions prove, or tend to prove, upon proof of the death or insanity of the witness or witnesses, or of his or their inability to attend the trial by reason of age, sickness, or settled infirmity, the deposition or depositions, or certified copies thereof, may be used by either party, subject to all legal objections. But if the parties attend at the

examination, no objection to the form of an interrogatory shall be made at the trial, unless the same was stated at the examination.

CHAP. CCXI.—*An Act Amendatory of an Act entitled "An Act to Regulate Fees in Office in certain Counties of this State," approved April twenty-eighth, eighteen hundred and fifty-seven.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of said Act is hereby amended so as to read as follows:

Witnesses.

Section eleven—Fees of witnesses for attending in any civil suit, or proceeding before any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day, two dollars; for traveling to the place of trial, for each mile, twenty cents. No person shall be obliged to testify in a civil action unless his fees for attendance have been tendered him, or he shall not have demanded the same; no person shall be obliged to attend as a witness in any civil action or proceeding without the County in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial.

CHAP. CCXII.—*An Act to authorize District Judges in Certain Cases to sign Records and settle Statements.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

On going out of office.

SECTION 1. It shall be lawful, from and after the passage of this Act, for any District Judge of this State, at any time within twelve months after the expiration of his term of office, or within twelve months after he shall, from any cause, have ceased to exercise the duties of such office, to sign any records of his Court that he may have left unsigned, at the time of going out of office; also, to sign and settle statements on motions for new trials, and statements and bills of exceptions on appeal to the Supreme Court, subject to the same regulations and restrictions that now are, or hereafter may be, prescribed by law.

Force and effect.

SEC. 2. Said records, when thus signed, and said statements and such bills of exceptions, when thus settled, shall have the same legal force and effect that they would be entitled to had they been signed or settled by the Judge whilst in the exercise of his office.

SEC. 3. This Act shall not be deemed to take from the successors of any District Judge the power to sign any record, or to sign and settle any statement or bill of exceptions, as heretofore authorized by law. Successors.

CHAP. CCXIII.—*An Act to Appropriate Money for the Relief of Certain Persons.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and three dollars and fifty-eight cents is hereby appropriated, to pay Richard, Savage, for balance due him as Journal-Clerk of the Assembly of the Ninth Session, A. D. eighteen hundred and fifty-eight. Savage.

And the sum of three hundred and thirty dollars, to pay J. T. Ewing, for services as Assistant-Secretary of the Senate, from the twenty-seventh day of April to the twenty-sixth day of May, A. D. eighteen hundred and fifty-eight. Ewing.

And the sum of one hundred and three dollars and fifty-eight cents, to pay Cyril Hawkins, being balance due him for completing Assembly Journals of the Ninth Session, A. D. eighteen hundred and fifty-eight. Hawkins.

And the sum of six hundred and seventy-three dollars and fifty-two cents, to pay F. S. McKenzie, for services as State-prison Director in the months of January, February, and March, eighteen hundred and fifty-seven. McKenzie.

And the sum of six hundred and seventy-three dollars and fifty-two cents, to pay Alexander Bell, for services as State-prison Director, in the months of January, February, and March, eighteen hundred and fifty-seven. Bell.

And the sum of three hundred and sixty dollars, to pay Thos. N. Cazneau, for services as Secretary of the Senate, from the twenty-seventh day of April, to the twenty-sixth day of May, A. D. eighteen hundred and fifty-eight. Cazneau.

And the sum of one hundred and thirty-eight dollars and eleven cents, to pay J. W. Scobey, being balance due him for services rendered as Chief-Clerk of the Assembly, A. D. eighteen hundred and fifty-eight. Scobey.

And the sum of one hundred and twenty-six dollars and sixty cents, to pay J. N. Bingay, being balance due him as Assistant-Clerk of the Assembly, A. D. eighteen hundred and fifty-eight. Bingay.

And the sum of four hundred dollars, to pay J. S. Gillan, as Warrant-Clerk to Controller in the months of January and February, A. D. eighteen hundred and fifty-eight. Gillan.

And the sum of two hundred and eighty dollars, to pay H. Whitman, for back salary, as Clerk to Controller, for the months of March, April, May, and June, A. D. eighteen hundred and fifty-eight. Whitman.

- Cushing.** And the sum of forty-five dollars and fifty-one cents, to pay Chas. D. Cushing, being balance due him for services rendered the Legislature of the Ninth Session, A. D. eighteen hundred and fifty-eight, as Page.
- Daily Bee.** And the sum of seventeen dollars and fifty cents, to pay the Daily Bee Office, for papers furnished Senators and Assemblymen during the session of the Legislature, A. D. eighteen hundred and fifty-eight.
- Moreto.** And the sum of eight dollars and fifty cents, to pay E. G. Moreto, for furnishing the *Eco del Pacifico* to Senators, Eighth Session, A. D. eighteen hundred and fifty-seven.
- Miller.** And the sum of twenty-nine dollars, to pay Augustus Miller, for services as Cook of the Insane Asylum in the month of March, A. D. eighteen hundred and fifty-eight.
- Smith.** And the sum of one hundred and ninety-eight dollars and thirty cents, to pay Austin E. Smith, for Temporary State Loan Bond No. 645, for one hundred dollars, issued April eighth, A. D. eighteen hundred and fifty, together with interest on same to the first day of January, A. D. eighteen hundred and fifty-three.
- Crowell.** And the sum of twenty-seven dollars, to pay William H. Crowell, for Clerk-fees, in the Seventh Judicial District, in the County of Sonoma, in the suit wherein the People of the State *vs.* W. A. Buster, William Spron, and John Headly *et al.*, were defendants, in the month of October, A. D. eighteen hundred and fifty-seven.
- Lee.** And the sum of eight hundred and ninety-six dollars, to pay R. P. Lee, for examination of the books of Ex-Treasurer S. A. McMeans, in the year eighteen hundred and fifty-eight.

CHAP. CCXIV.—*An Act to amend an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain Demands on the School Fund.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Salaries and
rent.

SECTION 1. Section one of an Act entitled an Act to authorize the Treasurer of the City and County of San Francisco to pay certain demands on the School Fund, approved April twentieth, one thousand eight hundred and fifty-eight, is hereby amended so as to read as follows :

Section one—The Treasurer of the City and County of San Francisco is hereby authorized and required to pay any and all demands for salaries of teachers in the common schools, and other demands payable out of the School Fund, of the year one thousand eight hundred and fifty-six, and one thousand eight hundred and fifty-seven, together with a demand upon the School Fund of said City and County, audited in favor of F. E. Preveaux, for rent of school-house for the months of April, May, and June, eighteen hundred and fifty-five, which are remaining un-

paid, and which have been duly audited and approved, out of any money that may be placed to the credit of the School Fund of said City and County of San Francisco, for the fiscal year ending June thirtieth, eighteen hundred and sixty, or out of any money that shall be loaned for the benefit of said School Fund; and if the money belonging to the School Fund for the fiscal year ending June thirtieth, eighteen hundred and fifty-nine, shall not be sufficient to carry on the schools for the usual term of ten months, then the Board of Education shall be authorized and required to order paid, and the Auditor to audit, and the Treasurer to pay, such deficiency out of the School Fund for the fiscal year ending June thirtieth, eighteen hundred and sixty.

CHAP. CCXV.—*An Act to provide for the Payment of Fees and Costs in Civil Actions by and against Counties.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In all civil actions brought by the State or a County, against any person or persons, association or corporation, and in all such actions brought by any person or persons, association or corporation, against a County, Sheriffs, Clerks, and all other officers, and all persons required by law to perform services in civil actions, shall perform such services for the State or County, without requiring the payment of fees therefor in advance, but all such fees, and the costs accruing on the part of the State or County, as the case may be, shall become a charge against the State or County, as the case may be, and shall be audited and allowed as other demands against the State or County are audited and allowed.

CHAP. CCXVI.—*An Act to provide for the Compensation of the Keeper of the County-Jail in the County of Shasta, and the Payment for such Services in past years.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors in and for the County of Shasta are hereby authorized and empowered to provide, by the issue of warrants, for the payment of the services of the Keeper of the County-jail in said County, since the first day of January, A. D. one thousand eight hundred and fifty-eight, and for the payment of such Jail-keeper, for services hereafter ren-

dered by him according to law, at a compensation not to exceed the sum of five dollars per day; *Provided*, that nothing in this section shall authorize the Supervisors to provide for the compensation of said Jail-keeper for any time when there shall be no prisoner or prisoners actually confined in said Jail.

Warrants to
be canceled.

SEC. 2. Whenever any person owning any warrants or other evidence of indebtedness against said County, heretofore issued in payment for the services of Jail-keeper in said County, shall appear before the Board of Supervisors thereof, at any of their regular meetings, and shall deliver up any such warrant or evidence of indebtedness, for the purpose of a re-issue of warrants, under the provisions of this Act, it shall be the duty of said Board of Supervisors to cancel every such warrant or evidence of indebtedness, so delivered up, whereupon they shall become null and void; and the said Board of Supervisors are hereby authorized and empowered to issue, in lieu of such canceled warrants, or other evidence of indebtedness, a new warrant or warrants, for such sum or sums, (not to exceed in amount the original warrant or evidence of indebtedness,) as in their opinion shall be just and equitable; and all such warrants so re-issued shall be valid and legal demands against the County; *Provided*, that no issue of warrants, under the provisions of this section, shall be made after the first day of January, A. D. one thousand eight hundred and sixty.

CHAP. CCXVII.—*An Act to amend section five hundred and nine of an Act entitled "An Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," passed April twenty-ninth, eighteen hundred and fifty-one.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five hundred and nine, of the above entitled Act, is amended so as to read as follows:

Clerk's fees.

Section five hundred and nine—On the commencement of an action, the plaintiff, and on the filing of notice of appeal from a final judgment, the appellant, shall pay to the Clerk three dollars. Each Clerk shall keep an account of all money so received, and shall pay over the same, at the end of each month, to the County Treasurer, taking his receipt for the same. It shall be the duty of the District-Attorney, at the commencement of each month, to examine the books of the Clerk and the receipts of the Treasurer, and, if found correct, shall execute a certificate to the Auditor to that effect, whereupon the Auditor shall charge the Treasurer therewith. All moneys received by the Treasurer, under the provisions of this section, shall be paid into the State Treasury, as other State revenues. Any officer who shall neglect or refuse to comply with the provisions of this section, shall be deemed guilty of

a misdemeanor, and shall be fined in a sum not exceeding five hundred dollars, or by imprisonment in the County-jail, not exceeding two months, or by both such fine and imprisonment.

CHAP. CCXVIII.—*An Act to Provide for Settling the Boundary-line between the Counties of Yuba and Butte.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of establishing and settling the boundary-lines between the Counties of Yuba and Butte, the Surveyor-General is hereby authorized and required to survey, or cause to be surveyed, at the equal expense of said Counties, the boundary-line between said Counties, in accordance with the statute or statutes providing for their organization and boundaries.

SEC. 2. The Surveyor-General shall cause a copy of such survey, with the plat or map thereof, to accompany the same, to be made out in triplicate, one copy of which shall be deposited with the County Clerk of the County of Yuba, one copy with the County Clerk of the County of Butte, and the other copy in the office of the Surveyor-General; and said line, when thus defined and settled, shall thereafter be regarded as the legally established boundary-line between said Counties of Yuba and Butte.

CHAP. CCXIX.—*An Act fixing the Terms of the County Court, Probate Court, and Court of Sessions, in Counties therein named.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Court of Sessions, County, and Probate Courts, in and for the Counties of Sonoma, Marin, and Mendocino, shall be held at the same term viz.: commencing on the first Monday in the month of February, May, August, and November, of each year; *Provided*, that the County Judge may call and hold special terms of said Courts whenever the public interest may require it; and at all terms of said Courts, the business pertaining to the Court of Sessions shall first be disposed of, and, after that, the business of the County Court and Probate Court, in the order in which they are named. This order shall be observed as a rule of precedence only, and after the business of one Court is dis-

posed of, the business of the other may be taken up on the same day, in such order as the County Judge may determine.

Repealing
clause.

SEC. 2. All Acts, and parts of Acts, in any manner conflicting with this Act, are hereby repealed.

CHAP. CCXX.—*An Act to fix the Terms of the County Court and Court of Sessions, of the County of El Dorado.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

County
Court and
Court of
Sessions.

SECTION 1. The regular terms of the County Court in and for the county of El Dorado shall be held at the County-seat of said County, on the first Monday of January, May and September, in each year. The regular terms of the Court of Sessions in and for said County shall be held on the first Monday of March, July and November, of each year, and shall continue until the commencement of the next term, unless all the business of the Court be sooner disposed of.

Special tax.

SEC. 2. Whenever, in the opinion of the County Judge of said County, the public interest shall require a special term of said Courts to be held, on a day other than those named in the preceding section, he may, by order, direct the same; and said Courts, at such special terms, shall be, and are hereby, vested with all powers now by law vested in such Courts at regular terms; and the proceedings thereof shall have the like force and effect as if had at a regular term.

Repealing
clause.

SEC. 3. All Acts, and parts of Acts, in conflict with the provisions of this Act, are hereby repealed. This Act shall take effect from and after the first day of May, A. D. eighteen hundred and fifty-nine.

CHAP. CCXXI.—*An Act recommending to the Electors of the State to vote for or against a Convention to revise and change the Constitution of the State.*

[Approved April 12, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Vote for or
against
Convention.

SECTION 1. It is hereby recommended to the electors of the State, at the first election for Members of the Legislature had after the passage of this Act, to wit, on the first Wednesday in September, eighteen hundred and fifty-nine, to vote for or against calling a Convention to revise and change the Constitution of this State. The ballots used at such election may con-

tain the words, "For a Convention," or the words, "Against the Convention," or words to the same effect, written or printed thereon; and the Inspector and the Judges of Election, at each and every poll in the State, shall ascertain and make returns of the number of votes cast in favor of a Convention, and the number of votes cast against a Convention, as aforesaid, in like manner, and with the same particularity, as other votes are required by law to be counted and returned; and an abstract thereof, as well as an abstract of all the votes cast in each County of the State for Members of the Legislature, shall be transmitted, by each and every County Clerk of the State, to the Secretary of State, in the same manner, and at the time that votes for State officers are now by law required to be transmitted.

SEC. 2. The Secretary of the State shall prepare, and lay before the Senate and Assembly, at the commencement of the next session of the Legislature, in January, A. D. eighteen hundred and sixty, or as soon thereafter as possible, a complete abstract of the whole number of votes cast "for" and "against" a Convention, as, also, the votes for Members of the Legislature; a majority of the aggregate vote of the State cast for Members of the Legislature being in favor of a Convention, said Convention shall be deemed to have been called.

Abstract of
the vote.

CHAP. CCXXII.—*An Act making Certificates of Purchase, or of Location, Evidence of Title.*

[Approved April 13, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The certificate of purchase, or of location, of any lands in this State, issued or made in pursuance of any of the laws of the United States, or of this State, shall be deemed *prima facie* evidence of legal title in the holder of said certificate of purchase, or location, or his assignees.

Certificate of
purchase.

CCXXIII.—*An Act to authorize the Weaverville and Shasta Wagon-Road Company to file certain Papers nunc pro tunc.*

[Approved April 13, 1859.]

PREAMBLE—*Whereas*, The papers hereinafter named were duly filed in the Recorders' offices of the Counties of Shasta and Trinity, prior to the first of May, eighteen hundred and fifty-eight, and those filed in the Recorder's office of Shasta County have been accidentally lost, or mislaid: Therefore,

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Copies of
lost papers.

SECTION 1. At any time before the first day of May, eighteen hundred and fifty-nine, the President and Directors of the Weaver-ville and Shasta Wagon-road Company may file, or cause to be filed, in the offices of the Recorders of the Counties of Trinity and Shasta, and in the office of the Secretary of State, copies of the notices, certificates, and surveys, required to be filed by section eleven of an Act entitled an Act to authorize the formation of corporations for the construction of plank or turnpike-roads, passed May twelfth, eighteen hundred and fifty-three, and the filing and recording of such notices, certificates, and surveys, as aforesaid, shall have the same force and effect, as if they had been so filed and recorded in said offices prior to the first day of May, eighteen hundred and fifty-eight.

CHAP. CCXXIV.—*An Act relating to the Office of Sheriff in the County of San Mateo.*

[Approved April 13, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Mileage

SECTION 1. The Sheriff of the County of San Mateo shall be allowed to charge and receive, for mileage, as traveling-foes in making service of any process, or order, of any Court, in civil business, and in going, only, fifty cents per mile; the distance to be computed in all cases from the Court-house of the County. In criminal business, said Sheriff shall be allowed to charge for mileage the rates heretofore fixed by law.

CHAP. CCXXV.—*An Act concerning Roads and Highways in San Mateo County.*

[Approved April 13, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Public
highways.

SECTION 1. All roads shall be considered as public highways which are now used as such, and have been declared such by order of the Court of Sessions or Board of Supervisors, or which may be hereafter so declared by the Board of Supervisors.

Road Com-
missioners.

SEC. 2. The road districts shall be coincident with the Supervisors' districts in the county, and each member of the Board of

Supervisors shall act as Road Commissioner in his respective district, whose powers and duties are hereinafter prescribed.

SEC. 3. The Road Commissioners shall cause all the public ^{Repairs.} highways within their respective districts to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be made where the same may be necessary, to keep the same in good repair, and to renew them when destroyed.

SEC. 4. The Road Commissioners shall have power to make ^{May use earth.} use of any ground or dirt for improving the roads, which may be absolutely necessary, from any adjacent unimproved lands, and the Board of Supervisors may allow such damages, if there be any, to the owners of said lands, as they may deem just; *Provided*, that said Supervisors shall be liable to pay damages to the County, at the suit of any citizen, if it shall be proved that they have allowed extraordinary and extravagant damages.

SEC. 5. The Board of Supervisors shall have power, and it ^{Road tax.} shall be their duty to levy, if they shall deem it necessary, a road-tax of four dollars, each and every year, on all able-bodied men between the ages of twenty and fifty years; and they may levy a property-tax each year, which shall not exceed ten cents on the one hundred dollars, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are collected.

SEC. 6. The property-tax so levied shall be collected by the Sheriff or Tax-Collector of the County, in the same manner as ^{Manner of collection.} in the collection of other taxes, and he shall pay the money over to the Treasurer of the County, as other taxes are required to be paid over, to the credit of the Road Fund.

SEC. 7. The Board of Supervisors shall appropriate the moneys ^{Road fund.} in the treasury, belonging to the Road Fund, from time to time, among the several districts, as they may deem proper and just, for the purpose of building bridges, or repairing the same, or the making or repairing of roads.

SEC. 8. For the purpose of ascertaining the names of the persons ^{Assessment.} liable to road-tax in the several districts, it shall be the duty of the County Assessor, when making his assessments for the current year, to place, in a separate column of his assessment list, opposite the name, of each person, the number of the Supervisor's district in which he resides, from which list each Road Commissioner can ascertain the names of the persons liable to road-tax in his district, and if he shall find any persons in his district who have not been assessed by the County Assessor, he shall be authorized, and it shall be his duty, to assess them.

SEC. 9. The road-tax for road purposes, shall be collected ^{May pay in labor.} by the Road Commissioners in their respective districts, and any person preferring to pay his road-tax in labor, may do so, at the rate of two dollars per day.

SEC. 10. Immediately after the assessment shall have been ^{Collection.} made, of the road-tax, the persons assessed shall be liable to be called on by the Road Commissioner for the amount of their tax, either in money or labor, whenever he shall find it necessary to make or repair roads or bridges. It shall be the duty of the Commissioner, when he desires to have labor upon the roads or

bridges in his district, to give, in writing, three days' notice to each one of any number of persons under his jurisdiction, living most convenient to the work to be performed, of the time and place to meet, and if, after such notice, any one shall fail to pay the amount of his tax in money, or to perform the labor required, such failure shall operate as a judgment against the delinquent for the amount of his tax, and the necessary costs of enforcing the judgment; and the Road Commissioner shall be authorized, at any time during the ensuing twelve months, to levy upon and sell any personal property of such delinquent by giving one hour's notice, by proclamation, of the time and place of such sale; and the Commissioner shall be authorized to charge the same fees for his services in enforcing such judgments as the Sheriff of the County is authorized by law to charge for like services; and the surplus, if any, after deducting the amount of the assessment and costs of sale, shall be returned to such delinquent.

\$2 per day. SEC. 11. The Road Commissioners shall be authorized to hire labor upon the roads, whenever they may deem it necessary, and pay for the same out of the Road Fund, collected by them, at a rate not to exceed the sum of two dollars per day for such labor.

Report. SEC. 12. The Road Commissioners shall, on the first Monday of March, in each and every year, pay over to the County Treasurer, to the credit of the Road Fund, the balance of the money collected by them, then on hand, and report, in writing, to the Board of Supervisors, at their next meeting, setting forth the amount of the road-tax collected, the amount paid out for labor, and the amount paid over to the County Treasurer, which report shall be under oath.

Compensat'n SEC. 13. The Road Commissioners shall receive, for their services, a sum not to exceed one hundred dollars each, in any one year, payable from the County Treasury, under an order from the Board of Supervisors, in addition to their salaries as members of the Board of Supervisors; and each Commissioner may, if he shall desire to do so, appoint one or more Deputies, who shall be responsible to the Commissioner appointing them, for the faithful performance of their duties, and shall be removable at his pleasure, and who shall be invested with the same powers and duties as are given to the Commissioner himself, under this Act; and it shall be the duty of the Commissioner to see that his Deputies perform their duties faithfully, and to pay them, for their services, such amount as may have been agreed upon between them, out of the salary allowed him by this Act.

Road-viewers. SEC. 14. The Board of Supervisors, on being petitioned to grant a view for a road within the County, shall have power, and are hereby required, in open session, to appoint, as often as may be needful, three persons, qualified as hereinafter is provided, to view the ground proposed for such road, and make report of their proceedings to the Board at their next meeting.

Inspection. SEC. 15. The persons appointed, as aforesaid, shall view such ground, and if they shall agree that there is occasion for a road, they shall proceed to lay out the same, having respect to the shortest distance and the best ground for a road, and in such manner as shall do the least injury to private property, and also

be, as far as practicable, agreeable to the desire of the petitioners.

SEC. 16. The Viewers, as aforesaid, shall make report at the next meeting of the Board, and in such report shall state who of them were present at the view; whether they were severally sworn or affirmed, and whether the road desired be necessary for a public or private road; they shall also annex and return to the Board a rough sketch or draught thereof, stating, as nearly as practicable, the courses and distances, and noting briefly the improvements through which it may pass. When absolutely necessary, the County Surveyor may be called in by the Supervisors to assist in said location. Make report.

SEC. 17. If the Board of Supervisors shall approve of the report of the Viewers, allowing a road, they shall direct the Clerk of the Board to give personal notice to the owners or occupants of the land through which the road is proposed to be made, if living within the County, and if not living within the County, by posting a notice at the door of the Court-house of the County, and also at some public place near where it is proposed to open the road, at least ten days before any further action shall be had upon the question; and at the next meeting of the Board, if no objection shall have been filed against the said proposed road, the whole proceedings shall be entered upon the records, and thenceforth such road shall be taken, deemed, and allowed, to be a lawful public road, or private road, as the case may be. Notice.

SEC. 18. The breadth of a public road, laid out as aforesaid, shall not exceed sixty-six feet, and the breadth of a private road shall not, in any case, exceed twenty-five feet; *Provided*, that nothing in this Act shall be construed so as to diminish the width of the public roads already established. Width.

SEC. 19. Public roads laid out, approved, and entered on record, as aforesaid, shall, as soon as may be practicable, be effectually opened. Declared open.

SEC. 20. If, however, objections shall have been made in writing within ten days after notice has been given, as directed in section seventeenth, setting forth the injury which he or she will sustain by opening such road, the Board of Supervisors, at their next meeting thereafter, shall appoint five disinterested citizens—tax-payers of the County—to view the premises, and assess the damages, if any, which such petitioner may sustain thereby, and in assessing the damages the Viewers shall take into consideration the advantages to be derived from such road passing through the land of the complainant. In case of objection.

SEC. 21. The Viewers, so appointed, shall make a report in writing, to the Board appointing them, at their next session, and if their report be approved by the Board, the amount of damages awarded shall be paid by the County Treasurer to the party entitled thereto, upon an order of the Board of Supervisors to that effect. Damages.

SEC. 22. No view which may be had for the purpose of assessing damages, provided for in this Act, shall be valid unless four of the persons appointed for the purpose, shall view the place in question, nor unless three of them concur in the report; *Provided*, that should the Viewers first appointed fail to agree Validity.

upon a report, the Board may appoint, from time to time, other Viewers, until an agreement upon a report shall be had.

Petition for private road.

SEC. 23. The Board of Supervisors shall, in open session, as aforesaid, upon the petition of one or more persons for a road from their respective dwellings, or plantations, to a public road, or to any private road leading to a public road, direct a view to be had of the place where such road is requested, and a report thereof to be made in the same manner as is before directed in this Act.

If necessary.

SEC. 24. If it shall appear, by the report of the Viewers to the Board directing the view, that such road is necessary, the Board shall direct what breadth the road so reported shall be opened; and the proceedings in such cases shall be entered on record, as before directed, and thenceforth such road shall be deemed and taken to be a legal private road.

At expense of petitioners.

SEC. 25. All private roads shall be opened, fenced, and kept in repair by, and at the expense of, the person or persons at whose request the road was granted or laid out, and by their heirs and assigns.

Damages.

SEC. 26. The damages sustained by the owners through which any private road may pass, shall be estimated in the manner provided in the case of a public road, and shall be paid by the persons at whose request the road was granted, or laid out; *Provided*, that no such road shall be opened before the damages shall be fully paid.

To change or vacate.

SEC. 27. The Board of Supervisors shall have authority, upon application to them by petition, to inquire of and change or vacate the whole or any part of any private or public road which may have been laid out by authority of law, whenever the same shall become useless, inconvenient, or burdensome, and the said Board shall proceed therein by views, in the manner provided for the laying out of public roads.

Application in writing.

SEC. 28. Every application to vacate any road, as aforesaid, shall be in writing and signed by the applicants; it shall set forth in a clear and distinct manner the situation and other circumstances of such road or of the part thereof which the applicants may desire to have vacated as aforesaid.

Not to obstruct.

SEC. 29. Whenever the whole or any part of a road shall be changed or supplied, the same shall not be shut up or stopped until the road laid out to supply the place thereof shall be actually opened and made.

Oath of Commissioners.

SEC. 30. All Viewers, for any purpose mentioned in this Act, shall, before they proceed to the duties of their appointment, respectively make oath or affirmation to perform the same impartially and according to the best of their judgment, which oath or affirmation may be administered to them by any magistrate of the County, or any one of their number.

Compensation.

SEC. 31. All Viewers, authorized by this Act, shall receive for their services, two dollars per day, each, for each day necessarily employed in that service, on producing a certificate from the Clerk of the Board of Supervisors of the County, that such service has been performed.

Expense.

SEC. 32. The expense of a view to locate, and to assess the damages sustained by the owner of land taken, as aforesaid, for

a public road, shall be paid by the County, and the expense of such a view, in the case of a private road, shall be paid by the person, or persons, at whose instance the same was allowed.

SEC. 33. If any person shall obstruct any public road, by felling any tree across the same, or by placing any other obstruction therein, or damming, digging, or deepening, a creek or river, or its banks, so as to destroy a ford, or crossing, he shall be liable to prosecution before any Justice of the Peace, by any Road Commissioner, or Deputy Commissioner of the County, on behalf of the County, and, on conviction thereof, shall be fined in a sum not exceeding fifty dollars, and shall forfeit five dollars for every day he shall suffer said obstruction to remain, after he shall have been ordered to remove the same by the Commissioner, or Deputy Commissioner. Penalty.

SEC. 34. If any person shall willfully destroy, or injure, any bridge, or causeway, remove, or cause to be removed, any of the plank or timber therefrom, or cut down, or injure any tree planted, or growing as a shade-tree, in any public road, or damage any highway by digging in it, he shall be liable to be prosecuted before any Justice of the Peace, as is provided in section thirty-three of this Act, and on conviction thereof, shall be fined in a sum not to exceed one hundred dollars.

SEC. 35. All fines collected under the provisions of this Act shall be paid into the County Treasury to the credit of the Road Fund. Fines.

SEC. 36. The provisions of this Act shall apply to, and be in force, in the County of San Mateo County only. San Mateo.

SEC. 37. All laws not consistent with the provisions of this Act are hereby repealed, so far as they relate to San Mateo County. Repealing clause.

CHAP. CCXXVI.—*An Act to authorize the Board of Supervisors of the County of Mendocino to levy an additional Tax for County Purposes.*

[Approved April 13, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the County of Mendocino are hereby authorized and empowered annually to levy and collect an *ad valorem* tax of thirty-five cents upon each one hundred dollars value of taxable property in said County, in addition to the tax already authorized to be levied and collected ; *Provided*, that such additional tax shall be levied and collected at the same time and in the same manner as other taxes for County purposes. Special tax.

CHAP. CCXXVII.—*An Act to authorize the Courts of Record of this State to admit Adolphus Daniel Grimwood as an Attorney and Counselor-at-Law.*

[Became a Law by operation of the Constitution, April 13, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Admitted to
practice.

SECTION 1. It is hereby made lawful for any or all the Courts of Record of this State to admit Adolphus Daniel Grimwood to practice as an attorney and counselor-at-law, in the same manner as though he were a citizen of the United States and of this State.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this thirteenth day of April, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CCXXVIII.—*An Act to amend an Act entitled an Act amendatory of an Act entitled an Act concerning the office of Public Administrator, in the Counties of Nevada, Sacramento, Monterey and Amador, approved April fifth, eighteen hundred and fifty-six—approved March ninth, eighteen hundred and fifty-nine.*

[Approved April 13, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act is hereby amended so as to read as follows :

Fees.

Section one—The Public Administrator of the Counties of Nevada, Sacramento, Monterey, Amador, Yolo, and Placer, shall hereafter be entitled to receive for his services the same fees as are allowed executors and administrators by an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

CHAP. CCXXIX.—*An Act to amend an Act entitled "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State, and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven, and an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight.*

[Approved April 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of an Act entitled "An Act concerning the Eighth, Ninth, and Fifteenth Judicial Districts of this State and the Judges thereof," approved March thirty-first, one thousand eight hundred and fifty-seven, and an Act amendatory thereto, approved March twenty-fifth, one thousand eight hundred and fifty-eight, is hereby amended so as to read as follows:

Section five—The Judge of the Fifteenth Judicial District ^{15th District.} shall hold, in each of the Counties of said District, three terms of his Court in each year, commencing as follows: In the County of Colusa, on the second Monday of January, the first Monday ^{Colusa.} of May, and the first Monday of September; in the County of Tehama, on the first Monday of February, the first Monday of ^{Tehama.} June, and the first Monday in October; in the County of Butte, ^{Butte.} on the first Monday of March, the first Monday of July, and the first Monday of November.

SEC. 2. This Act shall take effect on the first day of July, A. D. ^{Take effect.} one thousand eight hundred and fifty-nine.

CHAP. CCXXX.—*An Act for the Establishment and Erection of a State Reform School.*

[Approved April 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Governor of the State is hereby authorized and empowered to appoint a Board of three Commissioners, who shall have power to select and obtain, by gift, or by location upon lands belonging to this State, a lot of land suitable for the site of a State Reform School, for the employment of juvenile offenders; and in case such suitable site shall be obtained, said Commissioners shall further be directed to procure plans, specifications, and estimates; also, to receive proposals for the erection of the buildings necessary and proper for such an institution—the whole to be done under the general direction and supervision of the Governor, Secretary of State, Attorney-General, ^{Commissioners.}

and State Superintendent of Public Instruction, to whom reports shall be made by said Commissioners, from time to time, as may be required.

Duty.

SEC. 2. It shall be the duty of the said Commissioners to prepare and mature a system for the government of said School, and to ascertain what laws would be necessary and proper to put the same into successful operation, and to report the result to the Governor, in time to be communicated to the Legislature at the commencement of the next session. The said Commissioners shall present all their accounts to the Board of Examiners, to be by them audited and allowed, as they may deem just.

\$2000
appropriated

SEC. 3. The sum of two thousand dollars is hereby appropriated, out of any money in the General Fund not otherwise appropriated, to defray the expenses incurred in the execution of the objects of said Commission, and the Controller is hereby authorized and required, upon receiving a written order, signed by the Governor, Secretary of State, Attorney-General, and the State Superintendent of Public Instruction, or any three of them, to draw his warrant upon the Treasurer, from time to time, as required, for any sums of money necessary, not exceeding, in all, the amount above appropriated.

Prohibition.

SEC. 4. The Commissioners, created by this Act, shall not contract any debt or liability against the State.

CHAP. CCXXXI.—*An Act fixing the Time at which the County Officers of Amador County shall be Elected.*

[Approved April 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election.

SECTION 1. At the general election, one thousand eight hundred and sixty, at the general election every two years thereafter, there shall be chosen, by the qualified electors of the County of Amador, one Sheriff, one County Clerk, one Assessor, one Treasurer, one District-Attorney, one Superintendent of Common Schools, one Public Administrator, one Surveyor, and one Coroner, who shall enter upon the duties of their respective offices on the first Monday of January subsequent to their election.

Present
Officers.

SEC. 2. The present County officers, mentioned in section first of this Act, who were elected at the last general election, shall hold their respective offices until the first Monday in January, one thousand eight hundred and sixty-one, and until their successors are elected and qualified; and all laws, or parts of laws, conflicting with the provisions of this Act, are hereby repealed.

CHAP. CCXXXII.—*An Act appropriating Money for the Payment of Certain Claims.*

[Approved April 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums are hereby appropriated, out of any moneys in the treasury not otherwise appropriated, namely :

To Edward Potter, for arresting the murderers of Frank Lane. Lane, in the month of April, A. D. one thousand eight hundred and fifty-eight, one thousand dollars.

To Gray & Hickman, for balance due for blankets furnished the Insane Asylum, in the month of November, A. D. one thousand eight hundred and fifty-eight, one hundred and thirty-six dollars and twenty-five cents. Gray & Hickman.

To M. G. King, for services as Draughtsman in State Land Office, in the months of December, A. D. one thousand eight hundred and fifty-eight, and January, A. D. one thousand eight hundred and fifty-nine, four hundred dollars. King.

To Wilson Halsey, for services as Draughtsman in State Land Office, in the months of December, A. D. one thousand eight hundred and fifty-eight, and January, A. D. one thousand eight hundred and fifty-nine, four hundred dollars. Halsey.

To N. A. H. Ball, for services as Clerk to Select Committee of the Assembly, for investigating the books, accounts, etc., in suits of The People, etc., vs. The Pacific Express Company and Henry Bates, in one thousand eight hundred and fifty-seven, and one thousand eight hundred and fifty-eight, five hundred dollars. Ball.

To C. W. Robinson, for conveying insane convict to the State Insane Asylum, in the month of March, A. D. one thousand eight hundred and fifty-eight, fifty dollars. Robinson.

To Dr. A. W. Taliaferro, for conveying two insane convicts to the Insane Asylum in the month of July, A. D. one thousand eight hundred and fifty-eight, sixty-five dollars. Taliaferro.

To C. T. Meader & Co., for groceries purchased for Insane Asylum in the year A. D. one thousand eight hundred and fifty-seven, five hundred and eight dollars and nine cents. Meader.

CHAP. CCXXXIII.—*An Act to appropriate Money to pay Francis Crussell.*

[Approved April 14, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Controller of State is hereby authorized and \$2500.

required to draw his warrant on the General Fund, for the sum of two thousand five hundred dollars, in favor of Francis Russell, and the same is hereby appropriated, out of any moneys in the General Fund not otherwise appropriated, to pay the same.

CHAP. CCXXXIV.—*An Act to encourage the supply of Fresh Water on the Desert, west of Fort Yuma.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Land
granted.

SECTION 1. All the right, title, and interest, of the State of California, which the State now has, or which she may hereafter acquire, in and to the land hereinafter described in the third section of this Act, is hereby ceded, granted, and conveyed, to Oliver M. Wozencraft, and his associates, upon the following terms and conditions, which are hereby understood and declared to be conditions precedent to the vesting of any right or title under this Act—that is to say: The said Oliver M. Wozencraft and his associates, shall, within the term of three years from the passage of an Act by the United States, ceding said lands to this State, introduce and furnish a permanent supply of wholesome fresh water along the line of travel between the San Geron Pass and Fort Yuma, and between Cariso Creek and Fort Yuma, so that there shall be a constant and permanent supply, at all needful and convenient stages and points on the two routes above named; *Provided, however*, that if the United States shall not, within three years from the passage of this Act, cede said land to this State, then this Act shall be null and void.

Conditions.

Aqueducts.

SEC. 2. Such supplies of water shall be produced by constructing aqueducts, dykes, dams, flumes, ditches, or canals, to cause the water to flow to said points from the Colorado River; and such needful works are hereby authorized for the purposes aforesaid; and the amount of water furnished shall be sufficient for the purposes of travel and emigration over said routes, and may be used for the purposes of irrigation. The aqueducts, dykes, dams, flumes, ditches, or canals, shall be of a permanent and lasting character and quality; *Provided, however*, that nothing herein contained shall be so construed as to authorize any person or persons to appropriate the water of the Colorado River in sufficient quantity to obstruct or interfere with the navigation of said river, as it at present exists.

Description
of grant.

SEC. 3. The land herein conveyed is bounded and described as follows, to wit: Beginning at the initial point of the San Bernardino base-line, as established by the general survey of the State of California, by the authority of the United States Government, and running east, on said line, to the Colorado River; thence down said river, along the boundary of the State-line, to its junction with the southern boundary of this State; thence

west, along said southern boundary, to the eastern base of the main range of mountains; thence northerly, along the base of said range of mountains, to the place of beginning: excepting and reserving, from the tract above described, the part or portion thereof which the United States may, at any time, reserve for the use of the military post at Fort Yuma, or at any other point; *Provided, however*, that nothing in this Act shall be so construed as to interfere with any person or persons holding possessory claim or claims under the laws of this State, or holding pre-emption claim or claims under the laws of the United States.

SEC. 4. At the expiration of three years from the passage of said Act by the Government of the United States, or sooner, if the said work shall be sooner completed, the Governor shall, with the advice and consent of the Senate, appoint a competent Civil Engineer, on behalf of the State, and the Board of Supervisors of the Counties of San Diego and San Bernardino shall each appoint another Civil Engineer, which three, so appointed, shall compose a Board of Commissioners, whose duty it shall be to inspect and examine the work when complete, to see if the same is, or is not, completed, in all respects, according to the terms and conditions of this Act; and their report shall be made to the Governor within three calendar months from the expiration of the three years aforesaid, and the said report shall be filed with the Secretary of State, and be open to public inspection; and when so made, the same shall be final and conclusive as to the point whether or not the said grantees have fulfilled all the terms and conditions required by this Act.

Board of
Commission-
ers.

SEC. 5. Said Commissioners, before entering upon or performing any of the duties herein prescribed, shall be severally sworn, before some officer competent to administer oaths, that they will well and faithfully perform the duties herein specified, to the best of their knowledge, judgment, and ability, and also, that they have no personal interest in the matter, except as citizens of this State, which oath shall be indorsed upon, or attached to, their commission, and said commission and oath shall be attached to, and accompany, their report made to the Governor.

Sworn.

SEC. 6. The Board of Supervisors in said Counties, respectively, shall appoint said Commissioners, by an order, ordinance, or resolution, to that effect, spread upon the records of their proceedings, naming the Commissioner; and a copy of the same, duly certified by the Clerk of the Board of Supervisors, or other custodian of said records, and delivered to such Commissioner, shall be his authority, under this Act, after being sworn, and the oath indorsed, as aforesaid. The concurrent report of any two of said Commissioners shall be sufficient.

Appointm't

SEC. 7. Upon the filing of said report by said Commissioners, within the time, and in the manner, prescribed herein, showing that all the terms and conditions of this Act, required of the grantees, have been well and faithfully complied with, and fulfilled, the said Act of Congress, ceding said lands to this State, having been passed, then, and not till then, this Act shall become, and be taken and considered to be, a grant, absolute, of all the right, title, and interest of the State, in and to the land above de-

Ceding title.

scribed, to the said Oliver M. Wozencraft, and his associates, and to his and their heirs, and assigns, forever. And this Act, with a duly certified copy of said report of said Commissioners, so filed, showing that the terms of this Act have been complied with, shall be sufficient evidence of title in the said grantees, their heirs, and assigns, to enable them to recover and defend the possession of said land, or any part thereof, or to maintain actions for injury thereto, in all Courts of this State having jurisdiction in the premises.

Rights.

SEC. 8. The said O. M. Wozencraft, together with such associates as he may admit, shall take, have, possess, and enjoy, all the rights, privileges, right of way, and water-franchises, and immunities heretofore mentioned, upon condition that he and his associates shall incorporate themselves, under the general law of the State, regulating corporations, within twelve months from, and thereafter, the passage of this Act; being ever subject to the provision of section two of this Act, protecting the navigation of the Colorado River.

CHAP. CCXXXV.—*An Act to change the name of Frederick Ferdinand Seidenbinder to Frederick Ferdinand Seiden.*

[Became a Law by operation of the Constitution, April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Change of
name.

SECTION 1. It shall be lawful for the person heretofore known as Frederick Ferdinand Seidenbinder to change his name to Ferdinand Seiden.

[This bill having remained with the Governor ten days, (Sundays excepted,) and the Senate and Assembly being in session, it has become a law this fifteenth day of April, A. D. one thousand eight hundred and fifty-nine.

FERRIS FORMAN, Secretary of State.]

CHAP. CCXXXVI.—*An Act to authorize the Board of Supervisors of San Joaquin County to audit and allow a certain Claim.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

\$2,417 18.

SECTION 1. The Board of Supervisors of San Joaquin County are hereby authorized to audit and allow C. A. Hutchinson and Company, for grading the County portion of streets within the

corporate limits of the City of Stockton, any sum not to exceed two thousand four hundred and seventeen dollars and eighteen cents, and to levy a special tax for the payment thereof.

CHAP. CCXXXVII.—*An Act to amend an Act entitled "An Act authorizing the Board of Supervisors of Los Angeles County to contract a Loan, for the purpose of Erecting a Court-House and Completing the same," approved April twenty first, eighteen hundred and fifty-eight.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The title of an Act, approved April twenty-first, eighteen hundred and fifty-eight, entitled "An Act authorizing the Board of Supervisors of Los Angeles County to contract a loan, for the purpose of erecting a Court-house and completing the same," is hereby amended, so as to read, "An Act authorizing the Board of Supervisors of Los Angeles County to contract a loan, for the purpose of erecting a Court-house, and to complete the County-jail." Court-house and Jail.

SEC. 2. Section one of said Act is hereby amended so as to read as follows:

Section one—For the purpose of building a Court-house, and finishing the County-jail, the Board of Supervisors of Los Angeles County are hereby authorized to contract a loan, not to exceed eighty thousand dollars, at a rate of interest not to exceed ten per cent. per annum, payable annually, on the first day of January of each and every year, until paid, at the office of the Treasurer of Los Angeles County; said loan to be contracted, paid, and the proceeds thereof applied, as herein set forth. Loan may be contracted.

SEC. 3. Section ten of said Act is hereby amended so as to read as follows:

Section ten—This Act shall be published in the Los Angeles Star, Semi-Weekly Vineyard, or some other Los Angeles paper, in the English language, and the Clamor Publico, or some other Los Angeles paper, in the Spanish language, for three weeks next previous to the election, to be held on the first Wednesday in September, of any such year as the Board of Supervisors of said County may elect, prior to the year one thousand eight hundred and sixty-nine, and, at such election, the electors are hereby instructed to vote for a loan, or against a loan; and if, upon the official returns of the election, it shall appear that a majority of those voting thereon shall have voted in favor of a loan, this act shall take effect on the first day of October, next ensuing the election whereby the loan shall have been carried, in case that, on any future election, an attempt to provide for a loan, under the provisions of this Act, shall prove successful; and this Act shall be so construed as to admit of as many trials to be made, as Publication.

herein provided, as the Board of Supervisors, for the respective years, counting from this present time, up to one thousand eight hundred and sixty-nine, may deem meet and proper.

CHAP. CCXXXVIII.—*An Act to provide for condemning or purchasing certain Lands adjoining the State-prison Ground at San Quentin, for State-prison Purposes.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Directors
may con-
demn lands.

SECTION 1. The Board of State-prison Directors, created by "An Act for the Government of the State-prison convicts, and to provide for the location of a Branch Prison," "approved April twenty-fourth, one thousand eight hundred and fifty-eight," are hereby empowered to take possession of, and use immediately, such lands as are necessary for the purpose of brick-making at said Prison; they may purchase such additional grounds adjacent to said Prison as the public use may require, for the purposes of said Prison; *Provided*, the same shall not cost more than ten dollars per acre; *And provided, further*, that said Board of Directors are hereby empowered to purchase, if they deem the price not too exorbitant, such grounds as are needed for the immediate necessity of brick-making at said Prison, at a greater price than ten dollars per acre.

Compensat'n
to be deter-
mined."

SEC. 2. Whenever said Board shall not have acquired titles by purchase, or gift, to such additional grounds, or real estate as aforesaid, it shall be lawful for said Directors, by petition, signed by the Attorney-General, describing with convenient certainty and accuracy, by map or otherwise, the said grounds or real estate, so required for the public use at said Prison, setting forth the name and residence of each owner, or owners, or such person, or persons, interested therein, in any manner whatever, or who shall claim any interest therein, present or future, so far as the same are known to the Attorney-General, or shall so appear by record, to apply to the Judge of the District Court, in and for the County of Marin, either in term-time, or vacation, praying the appointment of Commissioners to ascertain the compensation to be made to the person, or persons, lawfully entitled to the same, for such grounds or real estate therein described. The said Judge shall require satisfactory evidence of service of notice of such application, together with the time and place the same will be heard, either by personal service, or by publication in some newspaper, as the said Judge may direct. At the time and place appointed for the hearing of such application if the said Board, and such interested parties as may appear do not agree upon at least two Commissioners, who, in that event are authorized, in case of their disagreeing, to choose a third, then the said Judge shall, by an order entered in his minutes, ap-

point five competent disinterested persons Commissioners, to ascertain such compensation as aforesaid. Said Judge shall, by an order in his minutes, specify a time and place for the meeting of the Commissioners.

The said Commissioners, before entering upon the duties of their office, shall be sworn, and any one of them may administer oaths to witnesses produced before them, and any one of them may issue subpoenas, and they shall have power to punish contempt, as a Court or Judge; and they may adjourn from day to day, to enable the parties to procure testimony, but for no longer period than one day, without the consent of both parties, or their attorneys, unless otherwise ordered by said Judge, for good cause shown. The said Commissioners, having heard the proofs and allegations of the parties, shall, by a majority vote, without fear, or favor, or partiality, ascertain and certify the compensation proper to be made to the owner, or owners, or parties interested, as aforesaid, in said grounds or real estate, which said ascertainment and certificate shall be signed by the Commissioners finding the same, and by them, immediately thereafter, filed in the office of the Clerk of said District Court. Either party, by motion, showing proper cause therefor, may cause the proceedings of said Commissioners to be inquired into by said District Judge, and if the same are regular, and the proceedings appear to be done in good faith, he shall, by order, confirm their finding and conclusion; otherwise, he shall make such order as may be just and proper, in reference to a re-trial of the same, or any part of the said proceedings, but no more than two re-trials shall, in any event, be had. Should no motion for re-trial be had within twenty days after the finding of the Commissioners, or no notice of motion for the same be given by either party within ten days thereafter, then their finding shall stand as the true ascertainment of valuation; and whenever said valuation shall be finally fixed, as aforesaid, then the Board of Directors may, upon paying into said Court the amount so fixed, become possessed of all, or any part, of said grounds, or real property; and they shall cause correct copies, under the seal of the said Clerk of said Court, of the petition and other pleadings, if any, together with the finding and certificate of said Commissioners, and all orders of the said Judge made in said proceedings, and the minutes of said Court on the receipt of the said moneys, to be filed in the office of the Secretary of State, and thereafter the State of California shall be the owner of said grounds and real estate, in fee-simple.

Power of
Commission-
ers.

CHAP. CCXXXIX.—*An Act to fix the Salary of the County Judge of Alameda County.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

\$2000.

SECTION 1. The County Judge of Alameda County, to be elected at the next general election, shall receive the sum of two thousand dollars per annum, as compensation for his services, during his term of office.

CHAP. CCXL.—*An Act concerning Roads and Highways in Shasta County.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Public highways.

SECTION 1. All roads shall be considered as public highways, which are now used as such, and have been declared such, by order of the Court of Sessions, or Board of Supervisors, or which may be, hereafter, so declared by the Board of Supervisors.

Road Overseers.

SEC. 2. It shall be the duty of the Board of Supervisors of Shasta County to divide the County into a suitable number of road districts, and to appoint, annually, or whenever vacancies may occur, an Overseer for each district, whom they shall have power to remove at pleasure.

Notified of appointment

SEC. 3. The County Clerk shall notify all persons who have been appointed Road Overseers, within ten days after such appointment has been made, informing them of such appointment, and describing the boundaries of their district.

Repairs.

SEC. 4. The Road Overseers shall cause all public highways, within their respective districts, to be kept clear from obstructions and in good repair, causing banks to be graded, bridges and causeways to be made, where the same may be necessary; to keep the same in good repair, and to renew them when destroyed.

May use earth.

SEC. 5. The Road Overseers shall have power to make use of any gravel or dirt for improving the roads, which may be absolutely necessary, from any adjacent unimproved lands, and the Board of Supervisors may allow such damages, if there be any, to the owner of said lands, as they may deem just; *Provided*, that said Supervisors shall be liable to pay damages to the County, at the suit of any citizen, if it shall be proved that they have allowed extraordinary and extravagant damages.

Road-tax.

SEC. 6. The Board of Supervisors shall have power to levy a road-tax on all able-bodied men, between the ages of twenty-one and fifty years, which shall not exceed four dollars per annum;

and a property-tax, which shall not exceed five cents on each one hundred dollars, for road purposes, to be levied and collected at the same time and in the same manner as other property taxes are collected; *Provided, further*, that any person liable to pay road-tax, as herein provided, may, at his option, pay the same in labor on the road, under the direction of the Overseer, at the rate of two dollars per day.

SEC. 7. The property-tax so levied, shall be collected by the Sheriff of the County, in the same manner as in the collection of other taxes; but all road-tax for road purposes shall be collected by the Overseers, in their respective districts; *Provided*, that the Board of Supervisors shall, in all cases, require a bond of such Overseer, to secure the payment of such moneys as he may receive under the provisions of this Act. Manner of collection.

SEC. 8. Whenever any contract for the improvement of roads is to be made, advertisement thereof shall be given by an Overseer of a district in which such improvement is to be made, by posting written notices in two of the most public places in his district, and by advertising in one newspaper of the County, or if none be published in the County, by notice posted at the Court-house door, ten days prior to the letting of such contract; and all contracts shall be awarded to the lowest responsible bidder, subject to the approval of the Board of Supervisors; *Provided*, that the Overseers shall have power to make contracts for the improvement of roads, which shall not exceed the sum of fifty dollars, at their option; such contracts to be approved by the Board of Supervisors. Contracts.

SEC. 9. The Board of Supervisors, on presentation of petition, praying for a County road, to be laid out within the County, or praying for a cart road, to be laid out from the dwelling or plantation of any person, to any public road, or from one public road to another, and designating the points therein, shall cause notice to be given to the parties owning land over which such road is to be located; and if objections by one or more of the owners shall be made, the Board of Supervisors shall consider and determine the same at their next regular meeting, and if they shall be of the opinion that such road is necessary, they shall appoint those persons as Viewers, to view out and locate said road, and, upon reasonable notice, assess the damages to any person, or persons, through whose land such road may be laid out, and upon a return of the certificate of the Viewers, and their assessment of damages, shall declare the same to be a public highway. When absolutely necessary, the County Surveyor may be called in by the Supervisors, to assist in said location. Petition for public or private road.

SEC. 10. Each Road Overseer shall report to the Board of Supervisors, quarterly, the amount of money collected and paid out by him, and to whom, and for what paid; and he shall also produce and file, with the Clerk of the Board, proper vouchers for all sums of money paid out; the number of days, and each day, he has been in actual service, shall be shown in his report; and he shall also file a list of delinquents; and the said Overseer shall make an affidavit before a Justice of the Peace, or some other officer qualified to administer oaths, that the said report and delinquent-list are correct, to the best of his knowledge and Overseers shall report.

belief; which said report shall be submitted for the approval or rejection of the Board of Supervisors. And any person refusing or neglecting to pay the road-tax required by this Act, to the Overseer, within ten days after the said tax shall have been demanded in writing of him, by such Overseer, shall be considered a delinquent; and the Overseer shall proceed to file a list of all such delinquents with some Justice of the Peace within his Township, or in an adjoining Township, which delinquent-list the Overseer shall, at the time of filing, make oath is correct; and, on filing of said delinquent-list, the Justice shall immediately issue a summons, in favor of said Overseer, against each of the persons named on said delinquent-list, to appear before him, as in other civil actions, and show why judgment shall not be rendered in favor of said Overseer. Said summons shall be served by a Constable, or Sheriff, of the County, and, on the return of the summons, the parties may be heard, and the case determined, and execution issue, as in other civil cases. On the trial of the case, the Overseer shall be a competent witness to prove the demand having been made for the said four dollars road-tax; but in no case shall the County, or any Supervisor, or the Overseer, be liable to pay costs in any suit, or suits, brought under this Act. And it shall not be lawful for either the Justice, or Constable, or Sheriff, to be allowed to apply any moneys collected from one person to the payment of costs accruing in a similar suit against another person; but all moneys collected from any delinquent, except costs, in that particular suit, shall be immediately paid over to the Overseer, to be by him accounted for, in his report to the Board of Supervisors.

Compensat'n SEC. 11. The Overseers shall each receive, for their services, while in actual employment, such compensation as shall be allowed by the Board of Supervisors, not to exceed six dollars per day.

Penalty. SEC. 12. If any person shall obstruct any public road by felling any trees across the same, or by placing any other obstruction therein, or by damming, digging, or deepening a creek or river, or its banks, so as to destroy a ford or crossing, he shall be liable to prosecution before any Justice of the Peace, by any Supervisor of the County, or Overseer of the road district, on behalf of the County; and, on conviction thereof, shall be fined in a sum not exceeding fifty dollars, and shall forfeit five dollars for every day he shall suffer said obstruction to remain, after he shall have been ordered to remove the same by the Overseer.

SEC. 13. If any person shall willfully destroy or injure any bridge or causeway, or remove, or cause to be removed, any of the plank or timber therefrom, or cut down or injure any tree, planted or growing, as a shade-tree, in any public highway, or damage any highway, by digging in it, he shall be liable to be prosecuted before any Justice of the Peace, by any Supervisor of the County, in behalf of said County, and, on conviction thereof, shall be fined in a sum not to exceed one hundred dollars.

Fines. SEC. 14. All fines collected under the provisions of this Act, shall be paid into the County Treasury, for the use of the road district in which the same was collected.

Repealing clause. SEC. 15. All laws, and parts of laws, now in force in relation

to roads and highways, are hereby repealed, as having force and effect in Shasta County.

CHAP. CCXLI.—*An Act to authorize the Board of Supervisors of the County of Sutter to take and subscribe Fifty Thousand Dollars to the Capital Stock of the "San Francisco and Marysville Railroad Company," and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Sutter, at the next general election to be held therein, for the election of the County officers of said County, to submit to the qualified electors of said County the proposition for the Board of Supervisors of said County to take and subscribe fifty thousand dollars to the capital stock of the "San Francisco and Marysville Railroad Company," by which a Railroad connection shall be formed between the City of Marysville and at, or near, the City of Vallejo, on Napa Bay, or the Straits of Carquinez, or any point on the Sacramento River, at or near Knight's Ferry, Smith's Ferry, or Sacramento City; the line of said Railroad passing through the said County of Sutter. Vote on the proposition to subscribe.

SEC. 2. It shall be the duty of said Board of Supervisors to cause notice, of at least twenty days, to be published in some newspaper printed and published in said County, and if no newspaper is so printed and published in said County of Sutter, then in some newspaper printed and published in some other County nearest thereto, stating the proposition to be submitted to said electors, and the time, and manner, of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of Fifty Thousand Dollars, to the San Francisco and Marysville Railroad Company" printed thereon, which ballots may be and form a part of any of the tickets made, or voted, for the County officers of said County, or be upon separate paper, and deposited in a separate box, at the option of said Board of Supervisors. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Sealed returns shall be made of the vote cast on said proposition, at the same time, and in the same manner, as provided for in the case of the election of the County officers, to the Clerk of said County, of the number of voters voting "Yes," and the number voting No," which returns shall be opened and counted, in the same manner as the returns of the votes for County officers, and when opened and counted, the result thereof shall be declared officially by the said Board of Supervisors. Publication.

SEC. 3. If, at the said election, a greater number of the elec- In case of adoption.

tors of said County of Sutter, upon said proposition, vote "Yes" than shall vote "No," then, and in that event, is the Board of Supervisors of said County, in the name of the County of Sutter, hereby authorized, directed, and empowered, to take and subscribe, for the use, benefit, and advantage of said County, to the capital stock of "The San Francisco and Marysville Railroad Company," for the purpose mentioned in section one of this Act, stock to the amount of fifty thousand dollars, and therefor to pledge the faith of said County of Sutter for the payment of the same, in the manner hereinafter provided.

Committee. SEC. 4. The said subscription shall be made by a Committee of three members of said Board of Supervisors, to be appointed by an order of the said Board for that purpose, and who shall perform that duty immediately thereafter.

Bonds at par. SEC. 5. The said Committee, so appointed, shall make such subscription, conditioning the same to be paid in the bonds of said Sutter County, issued as hereinafter directed, and not otherwise; and for such subscription, said bonds shall be received at par, dollar for dollar.

Bonds to be issued. SEC. 6. The said Board of Supervisors of said County, from time to time, as the payment of said subscription shall be required to be made, of such capital stock so subscribed by said Committee, shall, by order, direct the Chairman of said Board of Supervisors, the County Treasurer, and County Auditor, of said County, who, for that purpose, and their successors in office, shall constitute a "Board of Commissioners," to be styled the "Loan Commissioners" of said County, as such Loan Commissioners, to issue bonds in sums of not less than five hundred dollars, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of seven per cent. per annum, from the date of their issue, and shall be made payable at the office of the Treasurer of said County, or in either of the Cities of Sacramento, or San Francisco, at the option of said Railroad Company, on the first day of January, A. D. one thousand eight hundred and sixty-nine: the interest accruing on said bonds shall be due, and payable, semi-annually, on the first of January and July, so long as such bonds are outstanding and unpaid, and shall be made payable at said Treasurer's office, or in either of the Cities of Sacramento or San Francisco, at the option of said Railroad Company, to whom such bonds may issue. Said bonds shall be signed by the Chairman of the Board of Supervisors, the County Treasurer, and the County Auditor, as such officers, and as *ex-officio* Loan Commissioners, and when signed, shall be delivered by the Chairman of the said Board of Supervisors of said County to the County Clerk of said County, who shall countersign the same, as Clerk of said Board of Supervisors, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their Journal, together with the number, date, and amount, and place of payment of each bond so countersigned by the said Clerk of the said Board of Supervisors; and, upon the countersigning of said bonds, it shall be the duty of the said Board of Supervisors to cause the

seal of said County to be affixed to each bond, and appoint a Committee of three of their number to deliver said bonds, so countersigned, to the said Railroad Company, to whom the same shall be issued; and it shall be the duty of such Committee to take a receipt from the Secretary of said Railroad Company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds delivered, and report the same to the Board of Supervisors.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Clerk, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors. Coupons.

SEC. 8. It shall be the duty of said Board of Supervisors, of said County of Sutter, previous to the making out of the duplicate of the general assessment-list for said County, in each year, to levy a tax, to be styled, "An Interest Tax," sufficient to raise the amount of interest required to be paid each year, on said bonds, issued hereunder; and previous to the making out of the duplicate of the general assessment-list for said County, in the year A. D. one thousand eight hundred and sixty-one, and for every year thereafter, until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall levy a tax of ten per cent. of the whole amount of said bonds issued under this Act, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for County purposes, and when collected, shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied, Interest-tax.

First—The interest-tax to the payment of the interest falling due on said bonds.

Second—The Loan Fund to the redemption of said bonds as hereinafter provided.

SEC. 9. If there shall be collected, as such interest-tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over such surplus into the said Loan Fund. In case of surplus.

SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds, when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of the said County of Sutter for such purpose, and deliver the same to said Commissioners, and in the event that those funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the County of Sutter. Payment of the interest.

Proposals for
redemption.

SEC. 11. Whenever, at any time, there shall be, in said Loan Fund, a sum of money amounting to three thousand dollars, or upwards, the said Commissioners shall advertise, in a public newspaper published in said County, and if no newspaper is so published in the County of Sutter, then in some newspaper published in some other County nearest thereto, and also in a newspaper published in each of the Cities of Sacramento and San Francisco, for the space of two weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then in hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *Provided*, the same shall not be for more than the par value thereof; *And provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give two weeks' notice of the number of the bonds to be so paid, after which time such bonds shall cease to draw interest; *And provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise, in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw any interest. Any moneys remaining in said Loan Fund, after the redemption of said bonds, shall be, by the said Commissioners, paid over to the County Treasurer, to be by him paid into the General Fund of said County of Sutter.

Cancel
redeemed
bonds.

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "canceled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the County Clerk, upon the receipt of such canceled bonds, shall file the same in his office.

Accounts.

SEC. 13. The County Clerk shall open, with the said Commissioners, an "Interest-Tax Account," and a "Loan-Fund Account," and shall balance and settle the same, quarterly, on the first Mondays of April, July, October, and January, of each year.

Oath and
bond.

SEC. 14. The said Commissioners shall, before entering upon their duties, take and subscribe an oath, for the faithful performance of their duties as such Commissioners, and shall each, in addition to his official bond, give a good and sufficient bond, in the penal sum of ten thousand dollars conditioned for the faithful performance of his duty under this Act; said bond to be approved, and subject to renewal, from time to time, by the Board of Supervisors of said County, and filed in the office of the Clerk thereof.

Without
compensation.

SEC. 15. Each of said Commissioners, in office at the time of the passage of this Act, and their successors, shall be required to perform the duties hereinafter required of them, as a part of

their official duties, as such Chairman, Treasurer, and Auditor, without additional compensation.

SEC. 16. The said Board of Supervisors shall have authority to authorize a Committee, of any two of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the said capital stock, so taken by them, under the provisions of this Act, whenever, upon a submission to the qualified voters of said County, at any County or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale. Committee to cast vote.

SEC. 17. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, rents, issues, and profits, of such share or shares, acquired by such subscription to said capital stock, and shall apply the same as follows: one-third part thereof to the School Fund of said County, and the remaining two-thirds thereof to the General Fund. Dividends.

SEC. 18. Neither the said Board of Supervisors, nor the County of Sutter, nor the inhabitants thereof, shall, in any event, be liable for the debts of said Railroad Company, in any amount beyond the subscription made, as herein provided. Non-liability

SEC. 19. This Act shall be in force, and take effect, from and after its passage. Take effect.

CHAP. CCXLII.—*An Act supplementary to an Act to remedy the loss of a certain Certificate of the Mokelumne Hill Canal and Mining Company, approved on the second day of April, eighteen hundred and fifty-nine.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The provisions of the Act to which this is a supplement, shall not apply to any suit or suits which were pending on the second day of April, eighteen hundred and fifty-nine, wherein the said Mokelumne Hill Canal Mining Company was a party. Exemption.

CHAP. CCXLIII.—*An Act concerning the Commissioners of Election, appointed under an Act entitled an Act to define the Boundaries and provide for the Organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act of Commissioners confirmed.

SECTION 1. The acts and orders of Joseph Knox and George Brown, performed and made by virtue of their commission as Commissioners of Election, (for Mendocino County,) on the second Monday of this present month of April, eighteen hundred and fifty-nine, are hereby ratified and confirmed, and declared to be of the same force and effect in law as if a majority of said Commissioners of Election, (appointed under the Act above recited,) had been personally present and participating in performing said acts, and making said orders.

Quorum.

SEC. 2. The said Joseph Knox and George Brown, or any two or more of the Commissioners of Election, appointed under the Act to define the boundaries and provide for the organization of Mendocino County, approved March eleventh, eighteen hundred and fifty-nine, are hereby declared to be a quorum for the transaction of all business relating to their Commission, and all acts performed, and orders made by said quorum, (as Commissioners of Election as aforesaid,) are and shall be of the same force and effect as though performed and made by three or more of said Commissioners.

Repealing clause.

SEC. 3. The Act recited in section two of this Act, so far as the same conflicts with the provisions of this Act, is hereby repealed.

CHAP. CCXLIV.—*An Act concerning Roads and Highways in the City and County of San Francisco.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Application of Act to San Francisco.

SECTION 1. The provisions of an Act entitled "An Act concerning roads and highways," approved April twenty-eighth, one thousand eight hundred and fifty-five, and the provisions of an Act entitled an Act to amend an Act entitled an Act concerning roads and highways, passed April twenty-eighth, one thousand eight hundred and fifty-five, approved April nineteenth, one thousand eight hundred and fifty-six, are hereby declared to be applicable to the City and County of San Francisco, and all roads and highways in that portion of said City and County that was not included in the City of San Francisco as the boundaries of the same, established by an Act entitled an Act to re-incorporate

the City of San Francisco, passed April fifteenth, one thousand eight hundred and fifty-one, shall be laid out, opened, constructed, and repaired, as aforesaid in the said Acts; *Provided*, that all streets within the said former City of San Francisco, as the boundaries thereof were established by an Act entitled "An Act to re-incorporate the City of San Francisco," passed April fifteenth, one thousand eight hundred and fifty-one, shall be, and they are hereby, excepted from the operations of this Act.

CHAP. CCXIV.—*An Act to authorize the Common Council of the City of Los Angeles to extend the City Limits.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Common Council of the City of Los Angeles, 1600 yards. by and with the consent of the Mayor of said City, is hereby authorized and empowered to extend the limits of the City of Los Angeles, one thousand five hundred yards, or less, on any one, or all of its sides, beyond the present boundary-lines of the said City.

SEC. 2. All Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed. Repealing clause.

CHAP. CCXLVI.—*An Act supplementary to an Act entitled "An Act to amend an Act to establish an Asylum for the Insane of the State of California," approved May seventeenth, one thousand eight hundred and fifty-four.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of said Act, amendatory of section fourteen of the Act of May seventeenth, eighteen hundred and fifty-three, establishing an Asylum for the Insane, is hereby amended to read as follows:

Section fourteen—The County Judge of any County in this State, shall, upon application of any person under oath, setting forth that any person, by reason of insanity, is unsafe to be at large, or is suffering under mental derangement, cause the said person to be brought before him, at such time and place as he may direct, and the said County Judge shall also cause to appear, at the same time and place, two respectable physicians, who shall proceed to examine the person alleged to be insane; and if said Examination as to insanity.

Deposit.

physicians, after careful examination, shall certify upon oath that the charge be correct, also to the name of the patient, age, birth-place, length of residence, State last from, previous habits, apparent cause of insanity, length of time affected, class of insanity, and present condition of the person affected, as near as may be ascertained, of every lunatic person so examined, and if such Judge be satisfied that such person is, by reason of insanity, unsafe to be at large, he shall direct the Sheriff of the County to convey to, and place in, the Insane Asylum, such lunatic person, and shall transmit a copy of the physician's certificate to the Resident-Physician of said Asylum. The County Judge shall also cause inquiry to be made into the ability or inability of such insane person to bear the charge or expense for the time he may remain in the Asylum, and he shall certify the result of the inquiry to the Trustees of the Asylum; and in those cases where the insane person possesses the ability to pay this expense, the Trustees shall require a deposit at the time of admission, and from time to time, in advance, so long as the insane person remains an inmate of the Asylum.

CHAP. CCXLVII.—*An Act to appropriate Money for the Improving of the Mad-houses, and other Improvements of the State Insane Asylum.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

\$5000.

SECTION 1. That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of improving certain rooms, in a suitable manner, for the reception of the violent insane patients; also, for the repairing of floors in the old wing of the Asylum; purchase of additional beds, and for other necessary alterations, and repairs to buildings already erected, as the Resident and Visiting-Physicians of said Asylum may deem necessary; *Provided*, That vouchers of all sums expended shall be retained; *Also, provided*, that the sums expended shall not exceed, in all, the sum herein appropriated.

CHAP. CCXLVIII.—*An Act to authorize the San Francisco and Marysville Railroad Company to construct and maintain a Railroad Bridge across Feather River, and for other purposes.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The said incorporated Company, "The San Francisco and Marysville Railroad Company," are hereby authorized and granted the privilege of constructing and keeping, across Feather River, above the mouth of Yuba River, on the line of their road, as now, or as may be hereafter, located and established by said Company, a railroad bridge, for the use and benefit of said road.

Authorized to construct a bridge.

SEC. 2. That for the purpose aforesaid, and for the like construction and maintenance of any other bridge or bridges, by any other person or persons, or corporation, now authorized and empowered so to do, other than said Railroad Company, the said Feather River, at and for the distance of one-half mile above the location of the line of said railroad across said river, and to a point fifty feet below the location of the bridge now in use, between the City of Marysville and Yuba City, be, and the same is hereby, declared not navigable, except for such vessels, or water-crafts, as shall not, in any manner, injure or interfere with the maintenance of said bridge or bridges, as aforesaid.

Not navigable.

CHAP. CCXLIX.—*An Act amendatory of an Act to amend an Act entitled "An Act to establish an Asylum for the Insane of the State of California," passed May seventeenth, eighteen hundred and fifty-three, amended April sixteenth, eighteen hundred and fifty-eight.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four of said Act is hereby amended so as to read as follows :

Section four—The Trustees shall have power to make by-laws for their own government, and the government of the Asylum, not repugnant to the laws of the United States or of this State. They shall cause to be kept a record of their proceedings, which shall, at all times, be open to the inspection of any citizen interested therein. On or before the fifteenth day of December, of each year, an annual report shall be forwarded to the Governor, for his inspection, and by him submitted to the Legislature, showing the annual receipts and expenditures, the condition of the Asylum, the number of patients admitted during the year, the

Board of Trustees.

Powers of
Trustees.

number remaining in the Asylum at the date of the report, and such other matters touching the general affairs of the Asylum as they may deem advisable. They shall make a thorough visitation of the Asylum, monthly. At the end of each year, a full and detailed statement shall be drawn up by the Trustees, and submitted to the Governor on or before the fifteenth day of December of each year, to be transmitted to the Legislature on the meeting thereof. They shall have stated meetings at least once a month, and a majority shall constitute a quorum to transact business. The Trustees shall not be directly or indirectly interested in any contract or supplies furnished said Asylum; but said Trustees shall receive, for their services, the sum of ten dollars per day for their expenses in attending monthly (or called) meetings of said Board, payable out of the Fund for the support of the Insane Asylum, as other accounts against the Asylum are paid; *Provided*, that the amount so received shall not exceed the sum of one hundred and thirty dollars, each, for one year.

CHAP. CCL.—*An Act to legalize and confirm the Election of County Surveyor of Butte County.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Election
legalized.

SECTION 1. The election of County Surveyor, in the County of Butte, at the general election on the first day of September, in the year one thousand eight hundred and fifty-eight, is hereby made legal and valid, until the first day of January, of the year one thousand eight hundred and sixty, and all acts done by him, or his Deputies, in relation thereto, shall have full force and effect.

CHAP. CCLI.—*An Act supplementary to an Act "Fixing the time of Holding the Court of Sessions and County Court, in the County of Tuolumne," approved March thirty-first, eighteen hundred and fifty-nine.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Term fixed.

Section one—The Courts of Sessions and County Courts, in and for the County of Tuolumne, shall be holden on the first Monday of January, May, and September, of each year, and may continue

in session until the commencement of the next term, unless all the business of the Courts be sooner disposed of.

CHAP. CCLII.—*An Act to amend the seventy-first section of an Act entitled an Act to repeal the several Charters of the City of San Francisco, to establish the Boundaries of the City and County of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seventy-one of an Act entitled an Act to repeal the several charters of the City of San Francisco, and to consolidate the Government thereof, approved April nineteenth, one thousand eight hundred and fifty-six, is amended so as to read as follows:

Section seventy-one—The Board of Supervisors shall have ^{Taxation.} power to levy, and collect, in the mode prescribed by law for the assessment and collection of taxes, by tax, each year, upon all property in said City and County, not exempt from taxation, such amount as they may deem sufficient to provide for the payment of all demands upon the treasury thereof, authorized by law to be paid out of the same; *Provided*, that such taxation, exclusive of the State tax, and exclusive of any special tax, shall not, in the aggregate, for all the purposes of said City and County tax, exceed the rate of two dollars and twenty-five cents upon each one hundred dollars valuation; *And provided, further*, that the said Board of Supervisors shall, in making the levy of said taxes, apportion and divide the taxes so levied, to be levied, collected, and applied to specific purposes, as hereinafter provided.

First—For the Corporation Debt Fund, not to exceed one dol- ^{Corporation Debt Fund.} lar upon each one hundred dollars' valuation, as aforesaid, which shall be applied to the payment of demands authorized under the fourth, fifth, sixth, seventh, eighth, and tenth subdivisions of section ninety-five of this Act, as amended April eighteenth, one thousand eight hundred and fifty-seven, and of section seven of an Act entitled an Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six, approved April twentieth, one thousand eight hundred and fifty-eight.

Second—For the School Fund, not to exceed thirty-five cents ^{School Fund.} upon each one hundred dollars, as aforesaid, which shall be applied to the payment of demands authorized under the second and ninth subdivisions of section ninety-five of this Act, as amended April eighteenth, one thousand eight hundred and fifty-seven.

General
Fund.

Third—For the General Fund, not to exceed seventy-five cents upon each one hundred dollars valuation, as aforesaid, which shall be applied: first, to the payment of demands authorized under the first, third, eleventh, twelfth, thirteenth, and fourteenth subdivisions of section ninety-five of this Act, as amended April eighteenth, one thousand eight hundred and fifty-seven, and for the payment of any sum authorized by any special Act; and for the payment of demands not exceeding eight thousand dollars, in any fiscal year, for the purchase and erection of hydrants, under the first section of an Act entitled "An Act to provide for the purchase and erection of hydrants in the City and County of San Francisco, approved March seventh, eighteen hundred and fifty-nine; *Provided*, that from the first day of January to the first day of July, one thousand eight hundred and fifty-nine, the amount so allowed shall not exceed seven thousand dollars; and, after all the foregoing demands are provided for and satisfied, for the payment of demands authorized under the fifteenth subdivision of section ninety-five of this Act, as amended April eighteenth, one thousand eight hundred and fifty-seven.

Street-light
Fund.

Fourth—For the Street-light Fund, fifteen cents upon each one hundred dollars which shall be paid for lighting the streets of said City with gas, and for the repair of lamps and posts, in pursuance of the provisions of the present contract of said City and County with the San Francisco Gas Company, upon demands to be audited and allowed. And no money shall be transferred from either of the said Funds to another, nor used in paying any demand upon such other Fund until all the indebtedness arising in any fiscal year and payable out of said Fund, so raised for said fiscal year, shall have been paid and discharged.

The Board of Supervisors of the City and County of San Francisco is hereby authorized to repeal any order heretofore passed by them for the purpose of levying a tax for the fiscal year ending June thirtieth, A. D. one thousand eight hundred and sixty.

Time
extended.

The time for levying taxes for the fiscal year ending June thirtieth, A. D. one thousand eight hundred and sixty, for State, City, and County purposes, and taxes authorized by any special law in and for the City and County of San Francisco, is hereby extended until the first Monday of May, A. D. one thousand eight hundred and fifty-nine, and the Board of Supervisors of said City and County is hereby authorized and directed to levy such taxes on or before the first Monday of May, as aforesaid.

CHAP. CCLIII.—*An Act to amend an Act entitled "An Act to amend an Act entitled an Act to change the time of holding the Court of Sessions, and County Court, in the County of Napa, approved April twentieth, one thousand eight hundred and fifty-eight."*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of said Act is hereby amended so as to read as follows:

The Court of Sessions, in and for Napa County, shall be held at the County-seat of said County, on the first Monday of April, September, and December, of each year; also, a term of the County Court, in and for said County, shall be held at the County-seat of said County, on the second Monday of March, and July, and the first Monday of November, of each year; and a term of the Probate Court, in and for said County, on the third Monday of March, and July, and second Monday of November, of each year; and the terms of each of said Courts shall continue till all the business thereof is disposed of, but the Judge, or Judges thereof, may adjourn each, or any one of said Courts, from day to day, or from time, to time, so that the sessions shall not interfere with each other.

SEC. 2. All Acts, or parts of Acts, contrary to, or inconsistent with the provisions of this Act, are hereby repealed.

CHAP. CCLIV.—*An Act to legalize certain Acts of the Board of Supervisors of San Bernardino County, as a Board of Equalization.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The acts of the Board of Supervisors of San Bernardino County, sitting as a Board of Equalization, subsequent to September, one thousand eight hundred and fifty-eight, in relation to the amount of taxes assessed on the Williams' estate, so called, and other property, whereby said assessment was reduced to the amount of eleven hundred and thirty dollars (\$1,130) is hereby declared lawful.

CHAP. CCLV.—*An Act to fix the Time of holding the Court of Sessions, County Courts, and Probate Court, in the County of Solano.*

[Approved April 15, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Time fixed.

SECTION 1. The Court of Sessions, the County Court, and Probate Court, in the County of Solano, shall, from and after the first day of May, A. D. one thousand eight hundred and fifty-nine, be held as follows : the Court of Sessions of said County shall be held on the third Mondays of April, August, and December, of each year, and shall continue until all the business is disposed of ; the County Court of said County shall be held on the third Mondays of February, June, and October, of each year, and shall continue until all the business is disposed of ; the Probate Court of said County shall be held on the first Monday of each month, and may adjourn from day to day, or continue until all the business be disposed of.

Repealing clause.

SEC. 2. All Acts, or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

CHAP. CCLVI.—*An Act to grant the right to construct a Bridge across the Colorado River, at or near Fort Yuma, to certain parties therein named.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Authorized to construct a bridge.

SECTION 1. George A. Johnson, George F. Hooper L. J. F. Jaeger, together with such associates as they may admit, shall take, have, possess, and enjoy, all the rights, privileges, rights of way, franchises, and immunities, hereinafter mentioned, upon condition that they and their associates shall incorporate themselves under the general laws of the State regulating corporations, and providing for the incorporations of bridge companies, and shall adopt the name of the Colorado Bridge Company, and shall abide by and fulfill the further conditions hereinafter mentioned.

SEC. 2. Said Company, when incorporated, as aforesaid, shall have full power to build, erect, construct, and maintain a public toll-bridge across the River Colorado, at or near Fort Yuma, near the junction of the Colorado and the Gila River, in the County of San Diego, and have and enjoy all the rights, privileges, and immunities, thereunto appertaining, and shall have the right of way across said river, and the privilege of using the same for that purpose, which is hereby granted and ceded to said Company for the term of twenty years ; *Provided*, within one year

from the date of the passage of this Act, the said Company shall commence the construction of said bridge, and within two years shall build and fully complete the same; otherwise, the right to construct the same shall be forfeited, and this Act become null and void; said Company shall, at all times, after its completion, keep said bridge in passable order and condition, and shall be responsible for any damage arising to persons or property crossing said bridge, caused by neglect to keep said bridge in proper repair and condition. After the expiration of ten years from the completion of said bridge, the County of San Diego shall have the right to purchase the same, at an appraised value, to be determined by five appraisers, two to be selected by the Bridge Company, two by the County aforesaid, and one to be selected by the four appraisers herein before provided for; and such value shall be estimated to be the value of the bridge, not including the franchise or right of way, but the franchise and right of way shall pass to the purchaser with the bridge; *And provided, further*, that if the said bridge be purchased by the County aforesaid, then the right to levy and collect tolls shall not continue longer than necessary to reimburse the County for the amount expended in the purchase and repairs of said bridge.

SEC. 3. The said bridge shall be constructed on the best and Plan. most approved plan, in a substantial manner, and of the most durable materials; and said bridge shall be constructed at a sufficient elevation above the surface of the water, so as at all times to permit steamboats, and all other vessels, to pass and repass under the same, without let or hindrance, and so as not to prevent or interrupt the use of said river for rafts, and for running timber.

SEC. 4. The said Company, upon the erection and completion of said bridge, shall be authorized and empowered to charge and collect such rates of toll as the Board of Supervisors of San Diego County may fix, annually; *Provided*, that the Legislature may at all times modify or change the rates so fixed by said Board of Supervisors, and may authorize the erection of other bridges across said river, at any point where public convenience may require. Rates of toll.

SEC. 5. Said Company may regulate and determine the speed of travel, riding, or driving, upon said bridge, and may require the speed not to be faster than a walk, and for each violation may recover judgment before any competent Court, for any damages by said Company, sustained by such travel, riding, or driving, exceeding the speed authorized by said Company. Regulations.

SEC. 6. Said Company shall keep, in some conspicuous place, at each end of the bridge, a bulletin-board, which shall contain the scale of prices, and notice of speed allowed on said bridge; *Provided*, that nothing in this Act shall be so construed as to in any way prevent the Board of Supervisors of San Diego County from granting license to the present Ferry Company, or establishing and licensing any other ferry that the said Board may deem necessary for the convenience of the public. Bulletin.

CHAP. CCLVII.—*An Act to appropriate Money to pay F. Castro.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

\$500.

SECTION 1. The sum of five hundred dollars is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay F. Castro, for arresting a murderer, named Pio Lencares, in the year eighteen hundred and fifty-eight.

CHAP. CCLVIII.—*An Act requiring the Controller of State to sign Certain Blanks, and to appoint a Deputy, for that purpose.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Sign all
blanks.

SECTION 1. The Controller of State is hereby authorized and required to sign, or cause to be signed, all blank poll-tax and military receipts, all foreign miners' and State and County licenses, required to be issued from his office, in accordance to law.

Deputy.

SEC 2. The Controller of State is hereby authorized to appoint a Deputy, whose duty it shall be to sign the name of the Controller of State to all poll-tax and military receipts, all foreign miners' and State and County licenses.

Compensat'n

SEC 3. Said Deputy shall receive, as compensation for his services, the sum of two hundred dollars per month.

\$2400.

SEC 4. The sum of twenty-four hundred dollars is hereby set apart, out of any money in the General Fund not otherwise appropriated, to carry out the provisions of this Act.

CHAP. CCLIX.—*An Act relating to the care and treatment of the Indigent Sick in the County of Yuba.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of the County of Yuba shall have power to take care of, and provide for, the indigent sick of said County, but if the care and treatment of said indigent sick in said County shall be let out by contract, the County shall not be bound in any such contract, in a greater sum than

one dollar per day, for the treatment and care of each indigent sick person; *Provided*, this Act shall not affect any contract now existing.

SEC. 2. All laws, and parts of laws, inconsistent with the foregoing, are hereby repealed. Repealing clause.

CHAP. CCLX.—*An Act to change the Name of John Henry Kounse to that of John Lee Cambridge.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall be lawful for the person heretofore known as John Henry Kounse, to change his name to John Lee Cambridge. Change of name.

CHAP. CCLXI.—*An Act to change the Name of Julien Neuschwau-der.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The change, by Julien Neuschwaunder, of his name to Neuschwaunder Julien, is hereby declared to be lawful, and all contracts entered into by him shall be valid, in favor of or against him, in the name of Neuschwaunder Julien. Change of name.

CHAP. CCLXII.—*An Act to authorize the Counties of the State of California to become Stockholders in Railroad Companies.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any of the Counties of this State are hereby authorized to subscribe for stock, or purchase stock, and become stockholders in any railroad company now organized, or now being organized, or which may hereafter organize, for the construction of a railroad, extending in whole or in part through such County, not exceeding in amount five per cent. on the tax- Authorized to subscribe for stock.

ble property of any such County, as shown by the last preceding assessment-roll, in the manner following:

Petition. SEC. 2. Whenever a petition, signed by fifty of the qualified electors of the County, owning real estate in the County, to subscribe for stock, or purchase stock, in any designated railroad, extending in whole or in part through such County, and specifying the amount of stock it is desired the County shall take, shall be presented to the Board of Supervisors of any County of this State, said Board of Supervisors shall cause to be entered in the journal of their proceedings a copy of said petition, and shall submit to the qualified electors of said County, at the next general election thereafter, or at a special election called therefor, the proposition, whether or not said stock shall be subscribed for, or purchased, as petitioned for. If two or more petitions shall be presented to said Board, with different sums therein named, the said Board of Supervisors shall, by an order entered in the minutes of their proceedings, determine the amount to be voted on by the people.

Submitted to vote. SEC. 3. The proposition to be submitted to the people, as provided for in the last section, shall be in the following form:

Shall the County of _____ subscribe for (or purchase) _____ dollars of stock in the _____ Railroad Company?

And a notice of said election, and the object thereof, and of said proposition, shall be published in some newspaper in the County, if any there be, and if no newspaper be published in said County, then by posting notices thereof in three of the most public places in each of the Townships of the County, for one month next prior thereto.

By ballot. SEC. 4. The voting at such election shall be by ballot, and those voting in favor of the County taking stock shall have written, or printed, on their ballots, the words, "Railroad Stock—Yes;" and those voting in opposition to the stock being taken, shall have written, or printed, on their ballots, the words, "Railroad Stock—No."

In case of approval. SEC. 5. The said ballots shall be returned, counted, and canvassed, in the same manner as the ballots at the general election for State and County officers are returned, counted, and canvassed; and if two-thirds of all the votes cast on said proposition should be in favor of the County subscribing for or purchasing stock, it shall be the duty of the Board of Supervisors, within five days after the result shall be ascertained, or as soon thereafter as may be practicable, to subscribe for the amount of stock so petitioned for, or purchase the same, according as the proposition may have been submitted to the people; and they shall enter upon the journals of their proceedings the result of the vote, as soon as it is ascertained, with an order that said County subscribe for, or purchase, said stock. Said entry, and said order, shall be signed by the President of the Board of Supervisors.

To issue bonds. SEC. 6. If there should be no funds in the County treasury with which to pay the subscriptions provided for in this Act, the Treasurer of such County shall issue the bonds of the County, signed by him, as Treasurer, and which shall be countersigned by the President of the Board of Supervisors. Said bonds shall be issued whenever, and as often, as a call shall be made upon the

stockholders of said Company for the payment of subscription, or assessments, if the County becomes a stockholder by subscription; but if said County should become a stockholder by purchase, said bonds shall then issue, according to contract, between the County and the vendor of said stock; said contract being entered into by the Board of Supervisors, and the Treasurer being notified of the nature thereof, and ordered to issue bonds accordingly.

SEC. 7. Said bonds shall be issued for sums for not less than \$500 each. five hundred dollars each, and coupons for the interest shall be attached to each bond, so that the coupons may be removed without injury to the bond.

SEC. 8. The bonds issued in accordance with the provisions Interest. of this Act shall bear interest at the rate of ten per cent. per annum, and shall be paid by money raised by taxation upon all taxable property of the County, in ten annual instalments.

SEC. 9. The first payment of the bond, issued in accordance Payment. with the provisions of this Act, shall be made on the first of December subsequent to the levy of taxes for the purpose of paying the bonds issued in this Act; and the amount then paid shall be one-tenth of the principal debt contracted by the issuing of the bonds, and the interest then due upon the entire amount of said debt shall be paid, together with the entire amount of interest then due, until the whole debt shall be paid off and discharged.

SEC. 10. It shall be the duty of the Board of Supervisors, an- Special tax. nually, to levy upon all the taxable property of the County, a sufficient per centum tax to pay the amount of principal and interest due for that year; and said levy shall be made early enough in the year to enable the Collector to collect the same at the same time, and in the same manner, as the annual State and County tax shall be collected; and it is here made the duty of the Collector of Taxes, to collect said tax at the same time, and in the same manner as State and County taxes are, by law, required to be collected.

SEC. 11. The taxes collected in accordance with the provi- Railroad Fund. sions of this Act, shall be paid into the County treasury, and shall be set apart for a Railroad Fund, and as soon as the same shall be paid in, the Treasurer shall advertise, in one newspaper published in the County, and in one in the City of San Francisco, for the period of one month, that sealed proposals will be received at the office of said Treasurer on the first day of the succeeding December, from the holders of the bonds issued in pursuance of this Act, for the surrender of the same; said proposals shall specify the lowest cash amount which the holder will surrender his bond for. The said Treasurer shall open said proposals at the time and place specified in the publication, in the presence of such persons as choose to be present, and shall accept any of such as shall pay off and cancel the greatest amount of said bonds; *Provided*, that no bonds shall be redeemed at a greater sum than one hundred cents on the dollar.

SEC. 12. The payment and redemption of bonds referred to Coupons. in this Act, shall be the payment and redemption of the principal debt, or original bond, and the interest shall be paid annu-

ally, as herein provided, on the first day of December, upon the presentation of the coupons attached to the bonds. Ten coupons shall be attached to each bond, and shall be numbered, and shall express thereon the amount of interest due each year, when payable, and where, and shall be signed by the Treasurer and President of the Board of Supervisors, in the same manner as the bonds are required to be signed.

Cancel.

SEC. 13. Whenever the Treasurer shall pay any coupons or bonds, under the provisions of this Act, he shall cancel the same, and preserve said canceled bonds and coupons, and keep a record thereof, giving the number, date, and amount thereof, and from whom received, and shall write across said bonds, or coupons, the words "canceled by me," and sign his name thereto, as Treasurer.

Limitation.

SEC. 14. It shall not be lawful for the Treasurer to issue a greater number of bonds than provided for in this Act, nor pay the same in any other manner than as herein provided.

CHAP CCLXIII.—*An Act to authorize the Board of Supervisors of the County of Solano to take and subscribe Two Hundred Thousand Dollars to the Capital Stock of the San Francisco and Marysville Railroad Company, and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Vote on the proposition to subscribe.

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Solano, at the next general election to be held therein, for the election of the County officers of said County, to submit to the qualified electors of said County the proposition for the Board of Supervisors of said County to take and subscribe two hundred thousand dollars to the capital stock of "The San Francisco and Marysville Railroad Company," by which a railroad connection shall be formed between the City of Marysville, and at, or near, the City of Vallejo, on Napa Bay, or the Straits of Carquinez, or any point on the Sacramento River, at or near Knight's Ferry, Smith's Ferry, or Sacramento City; the line of said railroad passing through the said County of Solano.

Publication.

SEC. 2. It shall be the duty of said Board of Supervisors to cause notice, of at least twenty days, to be published in some newspaper printed and published in said County, stating the proposition to be submitted to said electors, and the time and manner of voting thereon. It shall be the further duty of the said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of two hundred thousand dollars, to the San Francisco and Marysville Railroad Company" printed thereon, which ballots may be and form a part of any of the tickets made or voted for the County officers of said County, or be upon

separate paper, and deposited in a separate box, at the [option] of said Board of Supervisors. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Sealed returns shall be made of the vote cast on said proposition at the same time and in the same manner as provided for in the case of the election of the County officers, to the Clerk of said County, of the number of votes voting "Yes," and the number voting "No," which returns shall be opened and counted in the same manner as the returns of the votes for County officers, and when opened and counted, the result thereof shall be declared officially by the said Board of Supervisors.

SEC. 3. If, at the said election, a greater number of the electors of said County of Solano, upon said proposition, vote "Yes" ^{In case of adoption.} than shall vote "No," then, and in that event, are the Board of Supervisors of said County, in the name of the County of Solano, hereby authorized, directed, and empowered, to take and subscribe, for the use, benefit, and advantage of said County, to the capital stock of the "San Francisco and Marysville Railroad Company," for the purpose mentioned in section one of this Act, stock to the amount of two hundred thousand dollars, and therefor to pledge the faith of said County of Solano, for the payment of the same, in the manner hereinafter provided.

SEC. 4. The said subscription shall be made by a Committee ^{Committee.} of three members of said Board of Supervisors, to be appointed by an order of the said Board, for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said Committee, so appointed, shall make such ^{Bonds at par.} subscription, conditioning the same to be paid in the bonds of said Solano County, issued as hereinafter directed, and not otherwise; and for such subscription, said bonds shall be received at par, dollar for dollar.

SEC. 6. The said Board of Supervisors of said County, from ^{Bonds to be issued.} time to time, as the payment of said subscription shall be required to be made, of such capital stock, so subscribed by said Committee, shall, by order, direct the Chairman of said Board of Supervisors, the County Treasurer, and County Auditor of said County, who, for that purpose, and their successors in office, shall constitute a Board of Commissioners, to be styled the "Loan Commissioners," of said County, as such "Loan Commissioners," to issue bonds, in sums not less than five hundred dollars, for such amount of such subscription, to said capital stock, as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of seven per cent. per annum, from the date of their issue, and shall be made payable at the office of the Treasurer of said County, or in either of the Cities of Sacramento or San Francisco, at the option of said Railroad Company, on the first day of January, A. D. one thousand eight hundred and sixty-nine. The interest accruing on said bonds shall be due and payable semi-annually, on the first of January and July, so long as such bonds are outstanding and unpaid, and shall be made payable at said Treasurer's office, or in either of the Cities of Sacramento or San Francisco, at the option of said Railroad Company, to whom such

Bonds to be
issued.

bonds may issue. Said bonds shall be signed by the Chairman of the Board of Supervisors, the County Treasurer, and the County Auditor, as such officers, and as *ex officio* "Loan Commissioners," and, when signed, shall be delivered, by the Chairman of the said Board of Supervisors of said County, to the County Clerk of said County, who shall countersign the same, as Clerk of said Board of Supervisors, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their journal, together with the number, date, amount, and place of payment, of each bond so countersigned by the said Clerk of the said Board of Supervisors; and, upon the countersigning of said bonds, it shall be the duty of the said Board of Supervisors to cause the seal of said County to be affixed to each bond, and appoint a Committee of three of their number to deliver said bonds, so countersigned, to the said Railroad Company, to whom the same shall be issued, and it shall be the duty of such Committee to take a receipt from the Secretary of said Railroad Company, for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds delivered, and report the same to the Board of Supervisors.

Coupons.

SEC. 7. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the said "Loan Commissioners." When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Clerk, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Interest-tax.

SEC. 8. It shall be the duty of said Board of Supervisors, of said County of Solano, previous to the making out of the duplicate of the general assessment-list for said County, in each year, to levy a tax, to be styled an "Interest-Tax," sufficient to raise the amount of interest required to be paid each year on said bonds issued hereunder, and previous to the making out of the duplicate of the general assessment-list for said County, in the year A. D. one thousand eight hundred and sixty-one, and for every year thereafter until the said bonds, issued under this Act, shall be paid and liquidated. The said Board of Supervisors shall levy a tax of ten per cent. of the whole amount of said bonds, issued under this Act, for the purpose of raising a fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for County purposes, and when collected, shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said "Loan Commissioners," to be by them applied:

First—The interest-tax to the payment of the interest falling due on said bonds.

Second—The "Loan Fund," to the redemption of said bonds as hereinafter provided.

In case of
surplus.

SEC. 9. If there shall be collected, as such interest-tax, in any one year, a sum greater than is required to pay the annual inter-

est on said bonds issued hereunder, then the said "Loan Commissioners," shall pass over every such surplus into the said "Loan Fund."

Sec. 10. It shall be the duty of said "Loan Commissioners" to make arrangements for the payment of the interest on said bonds, when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of said County of Solano, for such purposes, and deliver the same to said Commissioners, and in the event that these Funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest and the protection of the faith of the County of Solano.

Payment of
the interest.

Sec. 11. Whenever, at any time, there shall be in said "Loan Fund," a sum of money amounting to three thousand dollars or upwards, the said Commissioners shall advertise in a public newspaper published in said County, and also in a newspaper published in each of the cities of Sacramento and San Francisco, for the space of two weeks, for sealed proposals, for the redemption of said bonds, and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the "Loan Fund" then on hand shall extend, such bonds presented under such proposals, as shall have the lowest value proposed, at which they may be liquidated; *Provided*, the same shall not be for more than the par value thereof; *And provided*, should there be no proposals made for less than par value, then the payment of said "Loan Fund" on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give two weeks' notice of the number of the bonds to be so paid, after which time such bonds shall cease to draw interest; *And provided*, whenever there may be sufficient moneys in such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise in like manner for the space of four weeks for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw any interest. Any moneys remaining in said "Sinking Fund," after the redemption of said bonds, shall be by the said Commissioners paid over to the County Treasurer, to be by him paid into the General Fund of said County of Solano.

Proposals for
redemption.

Sec. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same canceled, over their signatures, as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor, and the County Clerk upon the receipt of such canceled bonds, shall file the same in his office.

Cancel
redeemed
bonds.

Sec. 13. The County Clerk shall open with the said Commissioners an "Interest-Tax Account," and a "Loan-Fund Account," and shall balance and settle the same quarterly, on the first Monday of April, July, October, and January, of each year.

Accounts.

Sec. 14. The said Commissioners shall, before entering upon their duties, take, and subscribe an oath, for the faithful per-

Oath and
bond.

formance of their duties, as such Commissioners, and shall each, in addition to his official bond, give a good and sufficient bond in the penal sum of ten thousand dollars conditioned for the faithful performance of his duty under this Act, said bond to be approved, and subject to renewal, from time, to time by the Board of Supervisors of said County, and filed in the office of the Clerk thereof.

Without
compensat'n.

SEC. 15. Each of said Commissioners in office at the time of the passage of this Act, and their successors, shall be required to perform the duties hereinafter required of them, as a part of their official duties, as such Chairman, Treasurer, and Auditor, without additional compensation.

Committee
to cast vote.

SEC. 16. The said Board of Supervisors shall have authority to authorize a Committee of any two of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign the said capital stock, so taken by them, under the provisions of this Act, whenever, upon a submission to the qualified voters of said County, at any County or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale.

Dividends.

SEC. 17. The Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, rents, issues, and profits, of such share or shares, acquired by such subscription to said capital stock, and shall apply the same as follows: one third part thereof to the School Fund of said County, and the remaining two-thirds thereof to the General Fund.

Non-liability

SEC. 18. Neither the said Board of Supervisors, nor the County of Solano, nor the inhabitants thereof, shall in any event be liable for the debts of said Railroad Company, in any amount beyond the subscription made as herein provided.

Take effect.

SEC. 19. This Act shall be in force, and take effect, from and after its passage.

CHAP. CCLXIV.—*An Act to authorize the Board of Supervisors of the County of Yolo to take and subscribe Fifty Thousand Dollars to the Capital Stock of the "San Francisco and Marysville Railroad Company," and to provide for the payment of the same, and other matters relating thereto.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Vote on the
proposition
to subscribe.

SECTION 1. It shall be the duty of the Board of Supervisors of the County of Yolo, at the next general election to be held therein, for the election of the County officers of said County, to submit to the qualified electors of said County the proposition for the Board of Supervisors of said County to take and subscribe

fifty thousand dollars to the capital stock of the "San Francisco and Marysville Railroad Company," by which a Railroad connection shall be formed between the City of Marysville and at, or near, the City of Vallejo, on Napa Bay, or the Straits of Carquinez, or any point on the Sacramento River, at or near Knight's Ferry, Smith's Ferry, or Sacramento City; the line of said Railroad passing through the said County of Yolo.

SEC. 2. It shall be the duty of said Board of Supervisors to Publication. cause notice, of at least twenty days, to be published in some newspaper printed and published in said County, and if no newspaper is so printed and published in said County of Yolo, then in some newspaper printed and published in some other County nearest thereto, stating the proposition to be submitted to said electors, and the time, and manner, of voting thereon. It shall be the further duty of said Board of Supervisors to cause ballots to be prepared, with the words "Subscription of fifty thousand dollars, to the San Francisco and Marysville Railroad Company" printed thereon, which ballots may be and form a part of any of the tickets made, or voted, for the County officers of said County, or be upon separate paper, and deposited in a separate box, at the option of said Board of Supervisors. Every ballot in favor of said proposition shall have the word "Yes" written or printed thereon, and every ballot against said proposition shall have the word "No" written or printed thereon. Sealed returns shall be made of the vote cast on said proposition, at the same time, and in the same manner, as provided for in the case of the election of the County officers, to the Clerk of said County, of the number of voters voting "Yes," and the number voting No," which returns shall be opened and counted, in the same manner as the returns of the votes for County officers, and when opened and counted, the result thereof shall be declared officially by the said Board of Supervisors.

SEC. 3. If, at the said election, a greater number of the electors of said County of Yolo, upon said proposition, vote "Yes" In case of adoption. than shall vote "No," then, and in that event, are the Board of Supervisors of said County, in the name of the County of Yolo, hereby authorized, directed, and empowered, to take and subscribe, for the use, benefit, and advantage of said County, to the capital stock of "The San Francisco and Marysville Railroad Company," for the purpose mentioned in section one of this Act, stock to the amount of fifty thousand dollars, and therefor to pledge the faith of said County of Yolo for the payment of the same, in the manner hereinafter provided.

SEC. 4. The said subscription shall be made by a Committee Committee. of three members of said Board of Supervisors, to be appointed by an order of said Board for that purpose, and who shall perform that duty immediately thereafter.

SEC. 5. The said Committee, so appointed, shall make such Bonds at par. subscription, conditioning the same to be paid in the bonds of said Yolo County, issued as hereinafter directed, and not otherwise; and for such subscription, said bonds shall be received at par, dollar for dollar.

SEC. 6. The said Board of Supervisors of said County, from Bonds to be issued. time to time, as the payment of said subscription shall be re-

Bonds to be issued. required to be made, of such capital stock so subscribed by said Committee, shall, by order, direct the Chairman of said Board of Supervisors, the County Treasurer, and County Auditor, of said County, who, for that purpose, and their successors in office, shall constitute a "Board of Commissioners," to be styled the "Loan Commissioners" of said County, as such Loan Commissioners, to issue bonds in sums of not less than five hundred dollars, for such amount of such subscription to said capital stock as said Board of Supervisors may direct. Said bonds shall draw interest at the rate of seven per cent. per annum, from the date of their issue, and shall be made payable at the office of the Treasurer of said County, or in either of the Cities of Sacramento, or San Francisco, at the option of said Railroad Company, on the first day of January, A. D. one thousand eight hundred and sixty-nine: the interest accruing on said bonds shall be due, and payable, semi-annually, on the first of January and July, so long as such bonds are outstanding and unpaid, and shall be made payable at said Treasurer's office, or in either of the Cities of Sacramento or San Francisco, at the option of said Railroad Company, to whom such bonds may issue. Said bonds shall be signed by the said Chairman of the Board of Supervisors, the County Treasurer, and the County Auditor, as such officers, and as *ex-officio* Loan Commissioners, and when signed, shall be delivered by the Chairman of the said Board of Supervisors of said County to the County Clerk of said County, who shall countersign the same, as Clerk of said Board of Supervisors, in the presence of a quorum of such Board, at a meeting thereof; and it shall be the duty of said Board of Supervisors to cause the fact of such countersigning of said bonds to be entered upon their Journal, together with the number, date, amount, and place of payment of each bond so countersigned by the said Clerk of the said Board of Supervisors; and, upon the countersigning of said bonds, it shall be the duty of the said Board of Supervisors to cause the seal of said County to be affixed to each bond, and appoint a Committee of three of their number to deliver said bonds, so countersigned, to the said Railroad Company, to whom the same shall be issued; and it shall be the duty of such Committee to take a receipt from the Secretary of said Railroad Company for the bonds so delivered by them, setting forth the number, dates, and amounts of the bonds delivered, and report the same to the Board of Supervisors.

Coupons. Sec. 7. Coupons for the interest shall be attached to each bond, so that the coupons may be removed without mutilation to the bond; said coupons shall be signed by the said Loan Commissioners. When any interest shall be paid upon a bond issued under the provisions of this Act, the County Treasurer shall detach the coupons for the interest then due and paid, and deliver the same to the County Clerk, taking his receipt therefor, whose duty it shall be to file the same in his office, and make a report thereof at the next meeting of the Board of Supervisors.

Interest-tax. Sec. 8. It shall be the duty of said Board of Supervisors, of said County of Yolo, previous to the making out of the duplicate of the general assessment-list for said County, in each year, to levy a tax, to be styled, "An Interest Tax," sufficient to raise

the amount of interest required to be paid each year, on said bonds, issued hereunder; and previous to the making out of the duplicate of the general assessment-list for said County, in the year A. D. one thousand eight hundred and sixty-one, and for every year thereafter, until the said bonds issued under this Act shall be paid and liquidated, the said Board of Supervisors shall levy a tax of ten per cent. of the whole amount of said bonds issued under this Act, for the purpose of raising a Fund for the liquidation of said bonds, which shall be styled a "Loan Fund." The said taxes shall be levied and collected in the same manner as the general taxes for County purposes, and when collected, shall be paid unto the County Treasurer, who shall account for and deliver the same over to the said Loan Commissioners, to be by them applied:

First—The interest-tax to the payment of the interest falling due on said bonds.

Second—The Loan Fund to the redemption of said bonds as hereinafter provided.

SEC. 9. If there shall be collected, as such interest-tax, in any one year, a sum greater than is required to pay the annual interest on said bonds issued hereunder, then the said Loan Commissioners shall pass over every such surplus into the said Loan Fund. In case of surplus.

SEC. 10. It shall be the duty of said Loan Commissioners to make arrangements for the payment of the interest on said bonds, when the same falls due, at least thirty days before the time of payment, and in the event said Interest Fund is insufficient, the said Treasurer shall draw on the Common or General Fund of the said County of Yolo for such purpose, and deliver the same to said Commissioners, and in the event that those funds prove inadequate, the said Commissioners are authorized and required to make such contracts and arrangements as may be necessary for the payment of said interest, and the protection of the faith of the County of Yolo. Payment of the interest.

SEC. 11. Whenever, at any time, there shall be, in said Loan Fund, a sum of money amounting to three thousand dollars, or upwards, the said Commissioners shall advertise, in a public newspaper published in said County, and if no newspaper is so published in the County of Yolo, then in some newspaper published in some other County nearest thereto, and also in a newspaper published in each of the Cities of Sacramento and San Francisco, for the space of two weeks, for sealed proposals for the redemption of said bonds; and ten days from the expiration of the time for such publication, the said Commissioners shall open the sealed proposals, and shall pay and liquidate, as far as the Loan Fund then on hand shall extend, such bonds, presented under said proposals, as shall have the lowest value proposed at which they may be liquidated; *Provided*, the same shall not be for more than the par value thereof; *And provided*, should there be no proposals made for less than par value, then the payment of said Loan Fund on hand shall be made on said bonds according to the number of their issue, of which the said Commissioners shall give two weeks' notice of the number of the bonds to be so paid, after which time such bonds shall cease to draw interest; *And provided*, whenever there may be sufficient moneys in Proposals for redemption.

such Loan Fund for the extinguishment of the bonds issued under this Act, it shall be the duty of the said Commissioners to advertise, in like manner, for the space of four weeks, for the redemption of all the outstanding bonds issued under this Act, after which time said bonds shall cease to draw any interest. Any moneys remaining in said Sinking Fund, after the redemption of said bonds, shall be, by the said Commissioners, paid over to the County Treasurer, to be by him paid into the General Fund of said County of Yolo.

Cancel
redeemed
bonds

SEC. 12. Whenever any bonds shall have been paid and redeemed by the said Commissioners, they shall mark the same "canceled," over their signatures as Commissioners, and immediately deliver the same to the County Clerk, taking his receipt therefor; and the County Clerk, upon the receipt of such canceled bonds, shall file the same in his office.

Accounts.

SEC. 13. The County Clerk shall open, with the said Commissioners, an "Interest-Tax Account," and a "Loan-Fund Account," and shall balance and settle the same, quarterly, on the first Monday of April, July, October, and January, of each year.

Oath and
bond.

SEC. 14. The said Commissioners shall, before entering upon their duties, take, and subscribe an oath, for the faithful performance of their duties as such Commissioners, and shall each, in addition to his official bond, give a good and sufficient bond, in the penal sum of ten thousand dollars conditioned for the faithful performance of his duty under this Act; said bond to be approved, and subject to renewal, from time to time, by the Board of Supervisors of said County, and filed in the office of the Clerk thereof.

Without
compensation.

SEC. 15. Each of said Commissioners, in office at the time of the passage of this Act, and their successors, shall be required to perform the duties herein required of them, as a part of their official duties, as such Chairman, Treasurer, and Auditor, without additional compensation.

Committee
to cast vote.

SEC. 16. The said Board of Supervisors shall have authority to authorize a Committee, of any two of their number, or any other persons, to cast all votes representing the capital stock so subscribed by them; and they shall, by order made for that purpose, have full power to sell, transfer, and assign, the said capital stock, so taken by them, under the provisions of this Act, whenever, upon a submission to the qualified voters of said County, at any County or general election, of a proposition to sell the same, a majority of the votes cast thereat shall approve of such sale.

Dividends.

SEC. 17. The said Board of Supervisors shall have all the rights and powers appertaining to any other subscriber to such capital stock, and shall receive all the dividends, rents, issues, and profits, of such share or shares, acquired by such subscription to said capital stock, and shall apply the same as follows: one-third part thereof to the School Fund of said County, and the remaining two-thirds thereof to the General Fund.

Non-liability

SEC. 18. Neither the said Board of Supervisors, nor the County of Yolo, nor the inhabitants thereof, shall, in any event, be lia-

ble for the debts of said Railroad Company, in any amount beyond the subscription made, as herein provided.

SEC. 19. This Act shall be in force, and take effect, from and after its passage.

CHAP. CCLXV.—*An Act making Appropriations for the Support of the Civil Government of this State, for the Eleventh Fiscal Year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums of money are hereby appropriated, out of any money in the Treasury not otherwise appropriated for the objects hereinafter expressed, for the support of the Civil Government of the State, for the eleventh fiscal year, commencing on the first day of July, A. D. one thousand eight hundred and fifty-nine, and ending on the thirtieth day of June, A. D. one thousand eight hundred and sixty, inclusive :

Appropriations of money.

For salary of the Governor, six thousand dollars.

Governor.

For rent of Governor's office, three hundred dollars.

For pay of Porter in office of Governor, three hundred dollars.

For contingent expenses of office of Governor, three hundred dollars.

For Special Contingent Fund of the Governor's office, to be drawn at his discretion, five thousand dollars.

To pay rewards which may be offered by the Governor, under the Act of April twenty-ninth, eighteen hundred and fifty-one, a sum not exceeding five thousand dollars.

For salary of Secretary of State, three thousand five hundred dollars.

Secretary of State.

For pay of Clerks in the office of the Secretary of State, seven thousand two hundred dollars.

For postage for the office of Secretary of State, twelve hundred dollars.

For pay of Porter in the office of Secretary of State, three hundred dollars.

For contingent expenses of the office of Secretary of State, three hundred dollars.

For salary of Controller, three thousand five hundred dollars.

Controller.

For salary of Clerks in the office of the Controller of State, nine thousand six hundred dollars.

For pay of Porter in the Controller's office, three hundred dollars.

For expressage of the Controller's office, one thousand five hundred dollars.

For contingent expenses of the office of Controller of State, three hundred dollars.

Treasurer. For salary of Treasurer, three thousand five hundred dollars.

For salary of Clerks in the office of Treasurer of State, seven thousand two hundred dollars.

For pay of Watchman in the office of the Treasurer of State, twenty-four hundred dollars.

For repairs of Treasurer's office, two hundred dollars.

For contingent expenses in office of Treasurer of State, three hundred dollars.

Superintendent of Instruction. For salary of State Superintendent of Public Instruction, three thousand five hundred dollars.

For Clerk in the office of the Superintendent of Public Instruction, five hundred dollars.

For rent of the office of the Superintendent of Public Instruction, three hundred dollars.

For postage for the office of Superintendent of Public Instruction, one hundred and fifty dollars.

For stationery, lights, and fuel, for Superintendent of Public Instruction, two hundred dollars.

For salary of Surveyor-General, two thousand dollars.

Surveyor-General. For salary of Draughtsman in the office of Surveyor-General, two thousand four hundred dollars.

For rent of office of the Surveyor-General, nine hundred dollars.

For the purchase of maps from United States Surveyor-General's office, five hundred dollars.

For copying maps from the United States Surveyor-General's office, two hundred and fifty dollars.

For pay of Porter in the Surveyor-General's office, three hundred dollars.

For purchase and repairs of instruments in the Surveyor-General's office, one hundred dollars.

For contingent expenses of office of Surveyor-General, three hundred dollars.

Quartermaster-General. For the salary of Quartermaster-General, two thousand dollars.

For rent of office of the Quartermaster-General, and State-Armory, five hundred dollars.

For contingent expenses of office of Quartermaster-General, two hundred dollars.

Court Reports. For three hundred copies Annual Reports of Supreme Court, two thousand dollars.

Attorney-General. For salary of Attorney-General, two thousand dollars.

For pay of Clerk in the office of Attorney-General, one thousand dollars.

For pay of Porter in Attorney-General's office, one hundred and eighty dollars.

For rent of office of Attorney-General, four hundred and eighty dollars.

For contingent expenses of the office of Attorney-General, two hundred dollars.

Board of Examiners. For salary of Governor, as a member of the Board of Examiners, one thousand dollars.

For salary of the Secretary of State, as a member of the Board of Examiners, one thousand dollars.

For salary of the Attorney-General, as a member of the Board of Examiners, fifteen hundred dollars.

For salary for Clerk of the Board of Examiners, twelve hundred dollars.

For compensation of Experts for Board of Examiners, six hundred dollars.

For contingent expenses of the Board of Examiners, two hundred dollars.

For salary of Justices of the Supreme Court, twenty-one thousand dollars. Supreme Court.

For pay of Bailiff to the Supreme Court, nine hundred dollars.

For pay of Porter of the Supreme Court, three hundred dollars.

For rent of Supreme Court Rooms, two thousand eight hundred dollars.

For salary of Secretary of the Supreme Court, eighteen hundred dollars.

For contingent expenses of the Supreme Court, six hundred dollars.

For salary of District Judges, eighty-five thousand dollars. District Judge.

For per diem and mileage of the Lieutenant-Governor, and Senators, forty thousand dollars. Members and officers of the Legislature.

For pay of officers and Clerks of the Senate, fifteen thousand dollars.

For per diem and mileage of Members of the Assembly, ninety thousand dollars.

For pay of officers and Clerks of the Assembly, twenty thousand dollars.

For contingent expenses of the Senate, five thousand dollars.

For contingent expenses of the Assembly, nine thousand dollars.

For stationery, blank-books, lights, fuel, etc., for the Legislature and State officers, fifteen thousand dollars.

For salary of Private Secretary of the Governor, two thousand dollars. Private Secretary.

For printing, paper, and official advertisements, thirty-five thousand dollars. Printing.

For the support of the State Insane Asylum for the Insane, seventy-five thousand dollars. Insane Asylum.

For salary of the Resident-Physician of the Insane Asylum, five thousand dollars.

For salary of Visiting-Physician to the Insane Asylum, three thousand dollars.

For rent of State-House, seven thousand two hundred dollars. State-house.

For rent of State Library Rooms, twelve hundred dollars.

For shelving and furniture of State Library Rooms, one thousand dollars. Library.

For pay of Porter for State Library Rooms, three hundred dollars.

For contingent expenses of the State Library, three hundred dollars.

Indexing and copying.	For copying Laws for State Printer, five hundred dollars.
	For marginal notes and index to Laws, three hundred dollars.
	For indexing Journals of the Legislature, five hundred dollars.
Translating.	For the translation of Laws into Spanish, one thousand five hundred dollars; and, also, eight hundred dollars for the translation into Spanish of the laws of eighteen hundred and fifty and eighteen hundred and fifty-one.
Reporter of Supreme Court.	For Salary of Reporter of the Supreme Court, four thousand dollars.
Stamp Act.	For carrying out the provisions of the Stamp Act, three thousand dollars.
State-prison Directors.	For salary of the Board of Directors of the State-prison, two thousand seven hundred dollars.
Schools.	For the support of common schools in this State, the sum of thirty-two thousand nine hundred and fifty dollars and forty cents, one-half thereof to be distributed semi-annually, as provided by law, for the distribution of school moneys, being the same amount due from the State, to the School Fund, for interest on the receipts from the sale of school lands.
Suits.	For costs and expenses of suits where the State is a party, to expended under the direction of the Attorney-General, five thousand dollars.
Revenue Laws.	For the prosecution of delinquents, and for infractions of the Revenue Laws, three thousand dollars.
Land office.	For salary of the Register of the Land Office, five hundred dollars.
	For salary of Clerk of the Land Office, twenty-four hundred dollars.
	For contingent expenses of the Land Office, seven hundred dollars.
Phelan.	For pay of A. J. F. Phelan, Clerk of the Board of War-bond Commissioners the sum of nine hundred dollars.
Transportation.	For transportation of prisoners to the State-prison, twenty-five thousand dollars.
Registrar.	For contingent expenses of the office of State Registrar, three hundred dollars.
State-prison.	For the support of the State-prison, to be expended under the direction of the State-prison Directors, seventy-five thousand dollars.
Stationery.	SEC. 2. All stationery, blank-books, lights, and fuel, required by the Supreme Court and State officers, resident at the State Capitol, shall be furnished by the Secretary of State, upon the order of the Judges or officers requiring the same. The Secretary of State shall furnish, under oath, to the Legislature, a statement, at the time he makes his annual report, showing the cost of the articles furnished the Judges of the Supreme Court and State officers. The stationery, lights, and fuel, furnished by the Secretary of State, shall be procured by him as now required, by law, for stationery, lights, fuel, etc., for the Legislature.
Contingent Fund of Legislature.	SEC. 3. The sum herein appropriated, as a Contingent Fund of the Senate and Assembly, shall be disbursed under the direction of the body to which it may respectively belong, and shall not be subject to any of the provisions of an Act entitled "An Act to

create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight.

SEC. 4. The Controller of State shall not draw his warrants July 1, 1859. for the payment of any money out of the appropriations made by this Act, until the money for the same is in the State Treasury, nor for the payment of any service done, or debt accrued, prior to the first day of July, A. D. one thousand eight hundred and fifty-nine.

SEC. 5. No officer, drawing money under the provisions of this Limitation. Act, shall be permitted to contract any debts, or liabilities, beyond the amounts herein appropriated.

CHAP. CCLXVI.—*An Act concerning Lawful Fences in the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In the Counties of San Bernardino, Colusa, Shasta, Lawful fences. Tehama, and Placer, every inclosure shall be deemed a lawful fence, which is four and one-half feet high, if made of stone, and if it be made of rails, five and one-half feet high ; if the fence be a post and rail fence, or a picket fence, it shall be constructed of posts of reasonable size and strength, firmly set in the ground, not more than twelve feet apart—and not more than eight feet apart, if it be a board fence ; the rails, boards, or pickets, to be of reasonable size and strength, securely fastened to the posts, to the height of four and a half feet, and reasonably close ; if a picket fence, the pickets, also, to be strongly nailed to a rail above, and one below, or driven into the ground and nailed to a rail above, reasonably close ; if a ditch fence, the ditch to be at least two and a half feet deep, and three feet wide at the top, the embankment to be either on the inside or outside of the inclosure, with a rail, board, or picket fence on the embankment, to the height of three feet, or any other kind of fence equivalent in height, quantity, and strength, to the above kind of fences, are hereby declared lawful fences in said Counties.

SEC. 2. If any horse, mule, jack, jenny, hog, sheep, goat, or Trespass. any head of neat cattle, shall break into any ground, inclosed by a lawful fence, the owner, or manager, of such animal shall be liable, to the owner of such inclosed premises, for all damages sustained by such trespass, and if the trespass be repeated, by neglect of the owner, or manager, of such animals, he shall, for the second and every subsequent trespass, be subject to double the damages of such trespass, to the owner of said premises ; *Provided, also,* that the owner of any premises, inclosed by a lawful fence, may take up, and safely keep, at the expense of the owner

thereof, any such animal, or animals, trespassing thereon, and if such animal, or animals, shall not be applied for, by the owner thereof, and such damages be paid, within ten days after such taking-up, the same may be posted and disposed of, under the Estray Law of the State; and, before restitution shall be had by the owner of such animal, or animals, in any case, all damages done by them, and all expenses of pasturing, keeping, and disposing of them, shall be paid.

Partition-fences.

SEC. 3. When a fence shall have been erected by any person, on the line of his land, or that for which he may have a lease for one year, or more, and the person owning the land adjoining thereto, or holding a lease of the same for one or more years, shall make, or cause to be made, an inclosure on the opposite side of such fence, so that such fence may answer the purpose of inclosing his ground also, such person shall pay the owner of such fence, already erected, one-half of the value of so much thereof as serves as a partition-fence between them.

May collect cost.

SEC. 4. When two or more persons own land adjoining, which is inclosed by one fence, and it becomes necessary, for the protection of the right and interest of one party, that a partition-fence should be made between them, the other, or others, when notified of the fact, shall proceed to erect, or cause to be erected, one-half of such partition-fence, such fence to be erected on (or as near as possible) the division line of such land; and if, after notice is given by either party, and a reasonable time has elapsed, and the other party persist in refusing to erect one-half of such fence, the party giving such notice may proceed to erect the entire partition-fence, and collect, by law, the proportional share of the cost of such fence, from the party, or parties, so refusing to build his or their respective portions thereof.

On the line.

SEC. 5. All partition-fences, separating adjoining inclosures, shall stand upon the line, and any person, or persons, when erecting a partition-fence, and refusing to place it on the line dividing such lands, or remove it to such line, when erected otherwise than thereon, shall subject himself to one-half the cost of the removal, and erection thereof in the right place.

In repair.

SEC. 6. The respective owners, or lessees, of lands which now are, or hereafter may be, inclosed with fences, and their successors in interest therein, shall keep up, and maintain, in good repair and condition, all partition-fences, between their own and the next adjoining inclosures, in equal shares.

Under one inclosure.

SEC. 7. When two or more persons shall agree to cultivate lands, under one inclosure, neither of them shall place, or cause to be placed, any stock or animals on his, her, or their ground, to the injury or damage of the other, or others, but, for a violation of this provision, shall be liable for all damages thus sustained by the other, or others, and for a repetition of such violation, after due notice be given, and for every subsequent repetition, double damages shall be recovered; it shall not be necessary to prove an express agreement to cultivate under one inclosure, but the fact of such cultivation shall be sufficient evidence of such agreement.

Repealing clause.

SEC. 8. All Acts, or parts of Acts, inconsistent with the provisions of this Act, are hereby repealed, so far as they relate to

the Counties of San Bernardino, Colusa, Shasta, Tehama, and Placer.

CHAP. CCLXVII.—*An Act to authorize the Incorporation of Rural Cemetery Associations.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any number of persons residing in this State, not less than seven, who shall desire to form an Association for the purpose of procuring and holding lands, to be used exclusively for a cemetery, or place for the burial of the dead, may meet at such time and place, as they, or a majority of them may agree, and appoint a Chairman, or Secretary, by a vote of the majority of the persons present at the meeting, and proceed to form an Association, by determining on a corporate name, by which the Association shall be called and known, by determining on the number of Trustees, to manage the concerns of the Association, which number shall not be less than six, nor more than twelve, and thereupon may proceed to elect, by ballot, the number of Trustees, so determined on, and the Chairman and Secretary shall, immediately after such election, divide the Trustees, by lot, into three classes : those in the first class to hold their office one year ; those in the second class, two years ; and those in the third class, three years ; but the Trustees of each class may be re-elected, if they shall possess the qualification hereinafter mentioned. The meeting shall also determine on what day, in each year, the future annual elections of Trustees shall be held.

Seven persons may incorporate.

SEC. 2. The Chairman and Secretary of the meeting shall, within three days after such meeting, make a written certificate, and sign their names thereto, and acknowledge the same before an officer authorized to take proof and acknowledgment of conveyances, in the County where such meeting shall have been held, which certificate shall state the names of the associates determined upon by the majority of the persons who met ; the number of Trustees fixed on to manage the concerns of the Association ; the names of the Trustees chosen at the meeting, and their classification, and the day fixed on for the annual election of Trustees ; which certificate it shall be the duty of the Chairman and Secretary of such meeting to cause to be filed and recorded in the office of the County Clerk of the County in which the cemetery-grounds are situated, in a book to be appropriated to the recording of certificates of incorporation.

File a certificate.

SEC. 3. Upon such certificate, duly acknowledged and filed as aforesaid, being recorded, the Association mentioned therein shall be deemed legally incorporated, and shall be a body politic and corporate, in fact and in name, by the name stated in the

Powers of Association.

Powers. certificate, and by their corporate name, have succession and power :

First—To sue and be sued in any Court.

Second—To make and use a common seal, and alter the same at pleasure.

Third—To purchase, hold, sell, and convey, such real and personal estate as the purposes of the incorporation shall require.

Fourth—To appoint such officers, agents, and servants, as the business of the Corporation shall require, to define their powers, prescribe their duties, and fix their compensation.

Fifth—To require of them such security as may be thought proper for the fulfillment of their duties, and to remove them at will, except that no Trustee shall be removed from office unless by a vote of two-thirds of the whole number of Trustees, or by a vote of a majority of the Trustees, on a written request, signed by one-half of the lot-owners.

Sixth—To make by-laws not inconsistent with the laws of this State, for the organization of the Company, the management of the property, regulation of its affairs, and for carrying on all kinds of business within the object and purposes of the Company. The affairs and property of such Associations shall be managed by the Trustees, who shall annually appoint, from among their number, a President and Vice-President, and shall also appoint a Secretary and Treasurer, who shall hold their places during the pleasure of the Board of Trustees, and the Trustees may require the Treasurer to give security for the faithful performance of the duties of his office.

Cemetery.

SEC. 4. Any Association incorporated under this Act, may take, by purchase or devise, and hold, within the County in which the certificate of their incorporation is recorded, not exceeding three hundred and twenty acres of land, to be held and occupied exclusively for a cemetery for the burial of the dead. Such land, or such parts thereof as may from time to time be required for that purpose, shall be surveyed and subdivided into lots or plats of such size as the Trustees may direct, with such avenues, paths, alleys, and walks, as the Trustees deem proper; and a map or maps of such surveys shall be filed in the office of the County Recorder of the County in which the land shall be situated. And after filing such map, the Trustees may sell and convey the lots or plats designated upon such map, upon such terms as shall be agreed upon, and subject to such conditions and restrictions, to be inserted in or annexed to the conveyances, as the Trustees shall prescribe. The conveyances to be executed under the common seal of the Association, and signed by the President or Vice-President, and the Treasurer of the Association. Any Association incorporated under this Act, may hold personal property to an amount not exceeding five thousand dollars, besides what may arise from the sale of lots or plats.

Election.

SEC. 5. The annual election for Trustees, to supply the place of those whose term of office expires, shall be holden on the day mentioned in the certificate of incorporation, and at such hour and place as the Trustees shall direct; at which election shall be chosen such number of Trustees as will supply the places of those whose term expires. The Trustees chosen at any election

subsequent to the first, shall hold their places for three years, and until others shall be chosen to succeed them. The election shall be by ballot, and every person of full age, who shall be the proprietor of a lot or plat in the cemetery of the Association, containing not less than two hundred square feet of land, or if there be more than one proprietor of any such lot, or plat, then such one of the proprietors as the majority of joint-proprietors shall designate to represent such lot or plat, may, either in person or by proxy, give one vote for each plat, or lot, of the dimensions aforesaid; and the persons receiving a majority of all the votes given at such election, shall be Trustees, to succeed those whose term of office expires. But in all elections after the first, the Trustees shall be chosen from among the proprietors of lots, or plats, and the Trustees shall have power to fill any vacancy in their number occurring during the period for which they hold their office. Public notice of the annual elections shall be given in such manner as the by-laws of the Corporation shall prescribe.

SEC. 6. The Trustees, at each annual election, shall make reports to the lot-proprietors of their doings, and of the management and condition of the property and concerns of the Association. If the annual election shall not be held on the day fixed in the certificate of incorporation, the Trustees shall have power to appoint another day, not more than sixty days thereafter, and shall give public notice of the time and place at which time the election may be held, with like effect as if holden on the day fixed on in the certificate. The office of the Trustees chosen at such time, to expire at the same time as if they had been chosen at the day fixed by the certificate of incorporation. Report.

SEC. 7. After its formation in the manner provided in the preceding sections, the Corporation shall proceed to purchase suitable grounds for the proposed cemetery, and to the vendor thereof, they are authorized to issue the bonds of the Corporation for the amount of the purchase-money, bearing interest not exceeding the rate of twelve per cent. per annum, but payable out of sixty per cent. of the proceeds of the cemetery, as the same shall be realized, and not otherwise. Sixty per cent., at least, of the proceeds of all sales of lots, plats, or graves, shall be first appropriated to the payment of the said bonds and interest aforesaid, payable at least once in three months to the bond-holders, until all are paid, and the residue thereof to be used in preserving, improving, and embellishing the said cemetery-grounds, and the avenues or roads leading thereto, and to defraying the incidental expenses of the cemetery establishment; and after payment of the purchase-money and interest, as aforesaid, and all debts contracted therefor, and for surveying and laying out the land, the proceeds of all future sales shall be applied to the improvement, embellishment, and preservation of such cemetery, and for incidental expenses, and to no other purpose or object. May issue bonds.

SEC. 8. Any person who shall willfully destroy, mutilate, deface, injure, or remove, any tomb, monument, grave-stone, building, or other structure, placed in any cemetery of any Association incorporated under this Act, or any fence, railing, or other Vandalism.

work, for the protection or ornament thereof, or of any tomb, monument, or grave-stone, or other structure aforesaid, or of any plat or lot within such cemetery, or shall willfully destroy, cut, break, or injure, any tree, shrub, or plant, within the limits of such cemetery, shall be deemed guilty of a misdemeanor, and such offender shall also be liable in an action of trespass, to be brought, in all such cases, in the name of such Association, to pay all such damages as shall have been occasioned by his unlawful act, or acts. Such money, when recovered, shall be applied, by the Trustees, to the reparation, or restoration, of the property so destroyed, or injured.

Embellish-
ing.

SEC. 9. Any Association incorporated pursuant to this Act, may take and hold any property, real, or personal, bequeathed, or given upon trust, to apply the income thereof, under the direction of the Trustees of such Association, for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences, or walks, erected, or to be erected, upon the lands of such Cemetery Association, or upon the lots, or plats, of any of the proprietors; or for the repair, preservation, erection, or removal of any tomb, monument, grave-stone, fence, railing, or other erection, on or around any cemetery, lot, or plat, or for planting, or cultivating trees, shrubs, flowers, or plants, in or around any such lot, or plat, or for improving or embellishing such cemetery, or any of the lots, or plats, in any other manner or form, consistent with the design and purposes of the Association, according to the terms of such grant, devise, or bequest.

Exempted
from tax-
ation.

SEC. 10. The cemetery-lands and property of any Association, formed pursuant to this Act, shall be exempt from all public taxes, rates, and assessments, and shall not be liable to be sold on execution, or be applied in payment of debts due from any individual proprietors. But the proprietors of lots, or plats, in such cemeteries, their heirs, or devisees, may hold the same exempt therefrom, so long as the same shall remain dedicated to the purpose of a cemetery; and, during that time, no street, road, avenue, or thoroughfare, shall be laid through such cemetery, or any part of the lands held by such Association, for the purposes aforesaid, without the consent of the Trustees of such Association, except by special permission of the Legislature of the State.

Laid off in
lots.

SEC. 11. Whenever the said lands shall be laid off into lots, or plats, and such lots, or plats, or any of them, shall be transferred to individual holders, and after there shall have been an interment in a lot, or plat, so transferred, such lot, or plat, from the time of such interment, shall be forever thereafter inalienable, and shall, upon the death of the holder or proprietor thereof, descend to the heirs-at-law of such holder or proprietor, and to their heirs-at-law forever; *Provided, nevertheless*, that any one or more of such heirs-at-law may release, to any other of the said heirs-at-law, his, her, or their, interest in the same, on such conditions as shall be agreed on and specified in such release, which release shall be recorded with the County Recorder of the County within which the said cemetery shall be situated; *And provided, further*, that the body of any deceased person shall not

be interred in such lot, or plat, unless it be the body of a person having, at the time of such decease, an interest in such lot, or plat, or the relative of some person having such interest, or the wife of such person, or her relative, except by the consent of all persons having an interest in such lot, or plat.

SEC. 12. In case the grounds purchased for cemetery purposes, in accordance with section seven of this Act, shall have been used as a cemetery previous to such purchase, then those who are lot-owners, at the time of the purchase, shall have, and be entitled to, all the privileges they would be entitled to by purchase from a corporation formed as aforesaid. Former purchasers.

CHAP. CCLXVIII.—*An Act to regulate Fees in Office in the County of Nevada.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Such fees are allowed to officers hereinafter named, within the County of Nevada, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same, and shall receive no other fees or charges, except as in this Act provided. Fees of officers.

FEES OF NOTARIES PUBLIC.

SEC. 2. For drawing and copying every protest for the non-payment of a promissory note, or for the non-payment, or non-acceptance of a bill of exchange, draft, or check, two dollars. Notaries Public.

For drawing and serving every notice of non-payment of a promissory note, or the non-payment, or non-acceptance of a bill of exchange, order, draft, or check, two dollars.

For recording every protest, one dollar.

For drawing an affidavit, deposition, or other paper, for which provision is not herein named, for each folio, twenty-five cents.

For taking an acknowledgment or proof of a deed, or other instrument, to include the seal and writing of the certificate, for the first signature, one dollar, and for each additional signature, fifty cents.

For administering an oath, or affirmation, twenty-five cents.

For every certificate, to include writing the same, and the seal, one dollar.

FEES OF CLERK OF DISTRICT COURT.

SEC. 3. For entering each suit on the Clerk's Register of Action, and making the necessary entries therein during the progress of the trial, for each folio, twenty-five cents. Clerk of District Court.

Clerk of
District
Court.

For issuing every writ or process, under seal, seventy-five cents.

For issuing subpoena, for each witness, twenty-five cents.

For filing each paper, twenty-five cents.

For entering every motion, rule, order, or default, fifty cents.

For entering every discontinuance, dismissal, or nonsuit, fifty cents.

For entering every cause on the calendar, and making a copy thereof for the Bar, for each term of the Court, one dollar.

For calling and swearing every jury, seventy-five cents.

For receiving and entering each verdict of a jury, seventy-five cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, twenty-five cents.

For filing judgment-roll, fifty cents.

For entering satisfaction of judgment, one dollar.

For entering judgment on judgment-docket, fifty cents.

For administering every oath or affirmation, twenty-five cents.

For certifying every oath or affirmation, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, twenty-five cents.

For every certificate under seal, seventy-five cents.

For searching files of each year in his office, (but not to charge suitors or attorneys,) one dollar.

For issuing every commission to take testimony, one dollar.

For taking down testimony of witnesses during the trial, for each folio, twenty-five cents, to be paid by the party requiring the same.

For issuing every execution or other final process, seventy-five cents.

For issuing every decree or order of sale of mortgaged property, one dollar.

For issuing writ of injunction, or attachment, seventy-five cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For receiving and filing every remittitur from the Supreme Court, and accompanying papers, seventy-five cents.

For taking each bond required by law, seventy-five cents.

For taking justification thereto, seventy-five cents.

For acknowledgment of deed, or other instrument, including all writing, and the seal, for the first name, one dollar, and each additional name, fifty cents.

When the Court is sitting as a Court of Criminal Jurisdiction, he shall receive, for the trial of each issue, when the charge is felony, five dollars; for the trial of each issue, where the charge is misdemeanor, three dollars. He shall receive no other fees, for any service whatever, in a criminal action, or proceeding, except for copies of papers, for each folio, twenty-five cents.

FEES OF CLERK OF COUNTY COURT.

Clerk of
County
Court.

SEC. 4. For filing all papers sent on appeal from Justices'

Courts, in each cause, and making the necessary entries concerning the same, two dollars.

For all other services, the same fees as are allowed in the District Court for similar services.

FEEES OF CLERK OF THE COURT OF SESSIONS.

SEC. 5. The Clerk shall receive the same fees as are allowed the Clerk of the District Court in criminal cases.

Clerk of
Court of
Sessions.

FEEES OF CLERK OF PROBATE COURT.

SEC. 6. For issuing letters testamentary, or of administration, seventy-five cents.

Clerk of
Probate
Court.

For certificate of appointing Appraisers, or Guardians, seventy-five cents.

For writing and posting notices, when required, for each copy, seventy-five cents.

For notice given by publication, in addition to the cost of publication, seventy-five cents.

For recording wills, per folio, twenty-five cents.

For all other services, the same fees as are allowed the Clerk of the District Court for similar services.

FEEES OF COUNTY RECORDER.

SEC. 7. For recording any instrument, paper, or notice, when required, thirty-five cents for each folio.

County
Recorder.

For copies of any record, or paper, per folio, thirty cents.

For filing, or receiving every instrument for record, and making the necessary entries therein, twenty-five cents.

For making, in the several indexes required, all the entries required, of the filing and recording any instrument, paper, or notice, for every such instrument, or notice, twenty-five cents.

For every certificate under seal, to copies of papers or records in his office, when required, seventy-five cents.

For every entry of discharge of mortgage on margin of record, fifty cents.

For searching records, and files of each year, in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, one dollar.

For recording every Town-plat, for each course, twenty-five cents.

For figures, and lettering plats and maps, per folio, fifty cents.

For taking and writing acknowledgments, including seal, for the first signature, one dollar; for each additional signature, fifty cents.

For filing and entering minute of certificate of Sheriff's-sale, fifty cents.

For filing and entering a minute of certificate of tax-sale, fifty cents.

For recording a marriage certificate, one dollar.

For filing and keeping each paper not required to be recorded, and indorsing the same, if required, fifty cents.

FEES OF SHERIFF.

Sheriff.

SEC. 8. For serving a summons and complaint in civil suit, or any other process by which an action or proceeding is commenced, on every defendant, two dollars.

For traveling in making such service, per mile, in going only, to be computed in all cases from the Court-house of the County, fifty cents; *Provided*, that if any two or more papers required to be served in the same suit, at the same time, one mileage only shall be charged.

For taking bond or undertaking, in any case in which he is authorized to take the same, two dollars.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, thirty cents.

For serving every notice, rule, or order, one dollar.

For serving a subpoena, for each witness summoned, fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or an order for the delivery of personal property, and with traveling, as on a summons, two dollars; but no traveling fees shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of summons, unless for the distance actually traveled beyond that required to serve the summons.

For making and posting notice, and advertising property for sale, on execution, or under any judgment, or order of sale, not to include the cost of publication in newspaper, three dollars.

For commissions for receiving and paying over money on executions or process, where lands or personal property has been levied on, advertised, and sold, on the first one thousand dollars, three per cent., and on all sums above that sum, two per cent.

For commissions for receiving and paying over money on execution, without levy, or where the land or goods levied on shall not be sold, two per cent. The fees herein allowed for the levy of an execution, and for advertising, and for making or collecting the money on execution, shall be collected from the defendant, by virtue of such execution, in the same manner as the sum therein directed to be made.

For drawing and executing every Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, five dollars.

For serving a writ of possession, or restitution, putting any person entitled, into possession of premises, and removing the occupant, five dollars.

For travel, in the service of any process not herein before mentioned, for each mile necessarily traveled, in going only, fifty cents.

For attending, when required, on any Court, in person or by

Deputy, for each day, to be paid out of the County treasury, four Sheriff dollars.

For bringing up a prisoner on *habeas corpus*, to testify or answer in any Court, or for examination as to the cause of his arrest and detention, or to give bail, two dollars; and for travel, each mile, from the jail, in going only, fifty cents.

He shall also be allowed such further compensation for his trouble and expense in taking possession of property, under attachment or execution, or other process, and of preserving the same, as the Court, from which the writ or order may issue, shall certify to be just and reasonable.

For holding an inquest, or trial of the right of property, when required, to include all service in the matter, except mileage, five dollars.

For attending on Supreme Court, either in person or by Deputy, to be paid out of the State treasury, as other claims, for each day, five dollars.

For every arrest in a criminal proceeding, three dollars.

For serving each subpoena, in criminal proceedings, fifty cents.

For executing every sentence of death, twenty-five dollars.

For summoning a grand-jury of twenty-four persons, fifteen dollars.

For summoning each trial-jury of twelve persons, six dollars; for each additional juror, fifty cents.

For service of any process in criminal cases, for each mile necessarily traveled, twenty-five cents; and the same mileage for taking prisoners before a magistrate, or to prison. In serving subpoenas, or venire, in criminal cases, he shall receive mileage for the most distant, only, when witnesses and jurors live in the same direction.

For all services in Justices' Courts, the same fees as are allowed to Constables in like cases.

FEES OF CORONER.

SEC. 9. All services in summoning jury of inquest, three dollars. Coroner.

For swearing jury, one dollar.

For issuing warrant of arrest, fifty cents.

For issuing subpoena for each witness, twenty-five cents.

For each mile necessarily traveled, in going to the place of the dead body, fifty cents; which fees, in all inquests, shall be paid out of the County treasury, as other demands.

For all services rendered by them while acting as Sheriff, the same fees as are allowed Sheriffs for similar services.

For swearing each witness, twenty-five cents.

For taking down testimony, per folio, twenty-five cents.

FEES OF CONSTABLES.

SEC. 10. For serving summons in a civil suit, for each defendant, seventy-five cents. Constables.

Constables. For summoning a jury before a Justice of the Peace, two dollars.

For taking a bond required to be taken, one dollar.

For serving an attachment against the property of a defendant, two dollars.

For summoning each witness, fifty cents.

For summoning and swearing a jury to try the rights of property, and taking the verdict, three dollars.

For receiving and taking care of property on execution, attachment, or order, his actual necessary expenses, to be allowed by the Justice who issued the execution, upon the affidavit of the Constable that such charges are correct, and the expenses necessarily incurred.

For collecting all sums on execution, three per cent., to be charged against the defendant in the execution.

Constables shall receive, in serving summons, attachment, order, execution, venire, notice, and subpoena, in civil cases, for each mile necessarily traveled, in going only, (but when two or more persons are served in the same suit, mileage shall be only charged for the most distant if they live in the same direction,) fifty cents.

For serving a warrant, or order for the delivery of personal property, or making an arrest in civil cases, two dollars.

For service and travel in criminal cases, the same fees as are allowed Sheriffs for like services.

For all other services, except for attending Court, the same fees as are allowed Sheriffs for similar services.

FEES OF WITNESSES.

Witnesses. SEC. 11. For attending in any suit or proceeding, in civil cases, before any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day, three dollars.

For traveling to the place of trial, for each mile, twenty-five cents.

No person shall be obliged to testify, in a civil action, unless his fees, for attendance, have been tendered him, or he shall not have demanded the same; and no person shall be obliged, in a civil action or proceeding, to attend as a witness without the County in which he resides, unless the distance be less than thirty miles from his place of residence to the place of trial.

FEES OF JURORS.

Jurors. SEC. 12. For each day, to be paid in civil cases by the party in whose favor the verdict is rendered, before the same shall be entered, but the same may be recovered as cost from the party losing the case, three dollars. If in any trial in a civil case, before any Court, the jury be, from any cause, discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered, by the party losing the case, back as costs, if he afterwards obtain judgment; until they are paid, no further proceedings shall be allowed in the action. No person

shall receive any compensation for serving as a juror on a Coroner's inquest.

FEES OF COUNTY AUDITOR.

SEC. 13. For making duplicate of taxes, or copies thereof, required, per folio, thirty cents. County Auditor.

For filing Treasurer's receipt, and issuing license, to be paid by the party, fifty cents.

FEES OF JUDGES AND CLERKS OF ELECTIONS.

SEC. 14. For each day's attendance, at any general or special election, the Inspector, Judges, and Clerks, of the Election, shall each receive three dollars, to be audited and paid out of the County treasury, as other charges against the County. Judges and Clerks of Elections.

FEES OF JUSTICE OF THE PEACE.

SEC. 15. For filing each paper, twenty-five cents.

For issuing any writ, or process, by which a suit is commenced, seventy-five cents. Justices of the Peace.

For entering cause upon the docket, fifty cents.

For subpoena to each witness, twenty-five cents.

For administering an oath, or affirmation, twenty-five cents.

For certifying the same, twenty-five cents.

For each certificate, twenty-five cents.

For issuing writ of attachment, or arrest, or for the delivery of property, two dollars.

For entering any final judgment, per folio, for the first folio, one dollar; for each additional folio, twenty-five cents.

For taking and approving any bond, or undertaking, directed by law to be taken or approved by him, fifty cents.

For taking justification to a bond, fifty cents.

For swearing a jury, seventy-five cents.

For taking depositions, per folio, twenty-five cents.

For entering satisfaction of judgment, fifty cents.

For copy of judgment, order, docket, proceedings, or paper, in his office, for each folio, twenty-five cents.

For transcript of judgment, per folio, twenty-five cents.

For issuing commission to take testimony, one dollar.

For issuing *supersedeas* to an execution, fifty cents.

For making up and transmitting, transcript and papers on appeal, two dollars.

For issuing search-warrant, one dollar.

For issuing an execution, fifty cents.

For celebrating marriage, and returning certificate thereof to the Recorder, five dollars.

For all service and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether an examination or trial, three dollars.

For taking bail, after commitment, in criminal cases, one dollar.

For entering cause, without process, one dollar.

For entering judgment, by confession, and only on affidavit, as required in the District Court, three dollars.

For entering every motion, rule, order, verdict, or default, twenty-five cents.

For services as Associate-Justice of the Court of Sessions, eight dollars per day, together with fifty cents per mile necessarily traveled, in going, only, and once, only, during each term of the Court.

INTERPRETERS AND TRANSLATORS.

Interpreters
and Transla-
tors.

SEC. 16. Interpreters and translators may be allowed such compensation for their services as the Court shall certify to be necessary, and just, to be taxed and collected as other costs; but the same shall not exceed five dollars per day.

FEES OF COUNTY SURVEYOR.

County
Surveyor.

SEC. 17. For the first mile actually run with the compass and chain, five dollars; for each succeeding mile, four dollars.

For each mile run with compass alone, three dollars.

For each lot laid out, and platted, in any City, or Town, two dollars.

For each copy of a plat, and certificate, three dollars.

For recording a survey, twenty-five cents per folio.

For calculating the quantity of each division, made in a tract of land, Town-lots excepted, one dollar.

For traveling to the place of survey, for each mile, in going only, fifty cents; the distance shall be computed from his place of residence, or from where his office is kept, to the place of survey, and if the County Surveyor shall be required, and duly notified, verbally, or otherwise, to make other surveys, while in the discharge of his official duty in the field, he shall only be entitled to mileage from the place last surveyed by him, but if the distance shall be greater than the place last surveyed, where his services are required, he shall only be entitled to mileage from the County-seat of the County in which he lives; and in no case shall constructive mileage be allowed.

For ascertaining the location of every Town-lot in an old survey, and measuring and marking the same, three dollars.

For copies and certificates, per folio, twenty-five cents.

For erecting a monument at the corner of any survey, when required, three dollars.

For copy of plat of any survey and certificate, required by law to be transmitted to the Surveyor-General, two dollars, to be paid by the party requiring the survey. Expenses of assistants shall be an additional charge, to be agreed upon between the parties.

FEES OF PROBATE JUDGE.

Probate
Judge.

SEC. 18. For every order or judgment, when not contested, one dollar; when contested, three dollars.

Collected by
County
Clerk.

SEC. 19. The fees allowed for services rendered by the County Judge as Probate Judge, shall be collected by the County Clerk, who shall keep a full and accurate account of the same, in a

book kept separate and apart for that purpose. The County Clerk shall make a settlement, at least once a month, with the County Treasurer, of the fees thus collected, and pay the amount in his hands into the County Treasury, and take his receipt therefor, and file the same with the County Auditor. His accounts shall always be open for inspection by any County officer, or any person who may be interested therein. The County Treasurer, in a book especially kept for that purpose, shall keep a full account of all moneys thus received, which shall constitute a separate and distinct fund, and so much thereof as may be necessary for that purpose, shall be applied to the payment of the salary of the County Judge, and the residue, if any, shall be paid into the County treasury; and it shall be a misdemeanor for a Probate Judge to receive to his own use, except in such manner as prescribed in this section.

SEC. 20. Any officer may refuse to perform any service, in any civil action, until the fees for such services are paid by the party requiring the services; *Provided*, if any person shall make an affidavit before the County Judge, setting forth that he has good cause of action or defence, and that he is unable to pay fees in advance, the County Judge may, in his discretion, make an order, that the officers perform such services without any pay in advance, or may, in his discretion, require such person to give security for the costs, and then require such officers to perform such service; and it shall be the duty of such officers to obey such order of the County Judge, so made. Fees in advance.

SEC. 21. Every officer, whose fees are herein ascertained, shall publish, and set up in his office, fair tables of his fees, according to this Act, in some conspicuous place, for the inspection of all persons who have business in his office, upon pain of forfeiture, for each day, a sum not exceeding twenty dollars, which may be recovered by any person, by action before any Justice of the Peace of the same County, with costs. Exhibit a table of fees.

SEC. 22. When, by law, any publication is required to be made by an officer, of any suit, process, notice, order, or other paper, the costs of such publication shall be first tendered by the party, if demanded, for whom such process, or order, was granted, before the officer shall be compelled to make publication thereof. Publication.

SEC. 23. If any Clerk, Sheriff, Justice of the Peace, or Constable, shall not have received any fees which may be due him for services rendered in any suit, or proceeding, he may have execution therefor, in his own name, against the party from whom they are due, to be issued from the Court in which the action is pending. Collection of fees.

SEC. 24. The Secretary of State, Treasurer, Controller, Attorney-General, and District-Attorneys, shall be authorized to require searches in the respective offices of each other, and in the office of the Clerk of the Supreme Court, of the several District Courts, of the County Courts, Courts of Sessions, or Records', for any papers, records, or documents, necessary to the discharge of the duties of their offices, and to require copies thereof, and extracts therefrom, without the payment of any fees or charge whatever. State officers exempted.

SEC. 25. The term folio, when used as a measure for computation—Folio—100 words.

ing fees or compensation, shall be construed to mean one hundred words, counting every figure necessarily used, as a word. Any portion of a folio, when in the whole draft or paper there should not be a complete folio, and when there should be an excess over the last folio exceeding a quarter, it shall be computed as a folio. The filing of a paper shall be construed to include the certificate of the same.

Only one
mileage.

SEC. 26. When any Sheriff, Constable, or Coroner, serves more than one process in the same cause, not requiring more than one journey from his office, he shall receive mileage only for the most distant service.

Attorneys.

SEC. 27. No Attorney, or Counsellor-at-law, in any case, shall be allowed any fees for attending as a witness in such cause.

Bill of fees.

SEC. 28. Every officer, upon receiving any fees for official duties or services, may be required, by the person paying the same, to make out in writing, and deliver to such person, a particular account of such fees, specifying for what they respectively accrued, and shall receipt for the same; and if he refuse or neglect to do so, when required, or shall receive illegal fees, he shall be liable, to the party paying, for three times the amount so paid.

Oath of office

SEC. 29. No fees shall be charged, by any officer, for administering and certifying the oath of office.

No other fees

SEC. 30. Officers, whose fees are set forth in this Act, shall not be entitled to charge, or receive, any fees not herein enumerated, unless especially provided for by law.

Attorney-
General and
District-
Attorneys.

SEC. 31. The Attorney-General, or any District-Attorney, is authorized to cause subpoenas to be issued, and compel the attendance of witnesses, on behalf of the State, without paying or tendering fees in advance, to any officer or witnesses, and any witness failing or neglecting to attend, after being served with a subpoena, may be proceeded against, and shall be liable in the same manner, as provided by law in other cases where fees have been tendered or paid.

Witnesses in
State suits.

SEC. 32. The Clerk of any Court, at which any witness shall have attended, on behalf of the State, in a civil action, shall give to such witness a certificate, under seal, of travel and attendance, which shall entitle him to receive the same from the State treasury, on the Controller's warrant.

No other fees

SEC. 33. No other fees shall be charged except those specially set forth herein, nor shall fees be charged for any other service than those mentioned in this Act, except as hereinafter provided.

Fee-book.

SEC. 34. It shall be the duty of each and every of said officers herein before mentioned, to keep, severally, a book, to be called a "Fee-Book," in their respective offices, open to the inspection of any one desiring to inspect the same; in which book shall be stated the fee charged, and the case in which they are charged; and it shall be the duty of the District-Attorney to inspect said books at least once in every three months, and the Foreman of any grand-jury shall also have the same before him, and shall examine the same.

State suits.

SEC. 35. The provisions of sections thirty-one and thirty-two, of this Act, shall extend to all actions and proceedings brought in the name of the Attorney-General, or any other person or persons, for the benefit of the State.

SEC. 36. All Acts, and parts of Acts, in conflict with the provisions of this Act, so far as they apply to the County of Nevada, are hereby repealed. Repealing clause.

SEC. 37. This Act shall take effect and be in force from and after the first Monday in October, one thousand eight hundred and fifty-nine. Take effect.

CHAP. CCLXIX.—*An Act for the Payment of Expenses incurred in the Suppression of Indian Hostilities, in certain Counties in this State.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty-two thousand five hundred and twenty-seven dollars and eighty-six cents (\$52,527 86,) is hereby appropriated, out of any money in the General Fund not otherwise appropriated, for the payment of the indebtedness incurred by the expedition against the Indians in the Counties of Humboldt and Klamath, during the year A. D. eighteen hundred and fifty-eight, and eighteen hundred and fifty-nine. \$52,527 86 appropriated

SEC. 2. The following schedule of pay is hereby established, for the officers and men engaged in the expedition, viz.: Schedule of pay.

For pay and allowances of Captain, one hundred dollars per month.

For Surgeon, one hundred dollars per month.

For First-Lieutenant, seventy-five dollars per month.

For Second-Lieutenant, sixty-five dollars per month.

For Third-Lieutenant, sixty dollars per month.

Orderly Sergeant, sixty dollars per month.

Three Duty Sergeants, fifty-five dollars per month.

Four Corporals, fifty-two dollars and fifty cents per month.

Privates, fifty dollars per month.

SEC. 3. The Board of Military Auditors are hereby required to audit, and allow, all legal claims, for services rendered, supplies furnished, and expenses incurred, in the late Indian War, in Humboldt and Klamath Counties; and the Controller shall draw his warrant on the Treasurer, for such amounts as shall be audited under the provisions of this Act. Claims to be audited.

SEC. 4. This Act shall be exempt from the provisions of an Act entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, one thousand eight hundred and fifty-eight. Exempt from Board of Examiners

CHAP. CCLXX.—*An Act amendatory of, and supplemental to, an Act entitled "An Act creating a State Land Office for the State of California," passed April tenth, one thousand eight hundred and fifty-eight.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section nine of an Act entitled an Act creating a State Land Office for the State of California is hereby amended so as to read as follows :

Certificate of
foreclosure.

Section nine—When the Register shall have countersigned the receipt of the State Treasurer, it shall be his duty to enter the sale upon the map and proper books of his office, and then to issue to the purchaser a certificate of purchase, bearing the seal of his office, properly describing the tract sold, the amount paid, and the amount due, and when payable, with other particulars of sale, and stating that when payment in full has been made, the party purchasing, his heirs, or assigns, will be entitled to a patent, provided the land has been confirmed to the State by the General Government, but if default is made in making such payment, the tract will revert to the State, and all previous payments be forfeited. Such certificates, and all rights acquired thereby shall be subject to sale and transfer, by deed or assignment, executed and acknowledged before any officer authorized to take acknowledgments of deeds, or before the said Register. Full entries of all sales made and certificates issued shall be kept by the said Register in proper books of his office.

SEC. 2. Section sixteen of said Act is hereby amended so as to read as follows :

Trial of
contest.

Section sixteen—The Surveyor-General and Register are hereby authorized to issue all the necessary instructions for the proper fulfillment of the requirements of this Act. In all cases where a contest for the certificate of purchase or other evidence of title to the same tract or tracts of land shall arise before the Register, when such contest is purely a question of fact or a question as to the survey, the Register shall determine the same according to the facts, and issue the certificate of purchase therefor to the person he shall determine to be entitled thereto. When, in the judgment of the Register, a question of law alone or of law and fact, is involved in such case, or when either party shall demand a trial of such questions in the Courts of this State, said Register shall enter such demand or judgment of the Register in the record of the proceedings had before him, together with a direction that the parties are referred to the Courts of the State for a legal determination of such conflicting claim or contest. Either party to such contest may bring his action in the District Court of the County in which the land in question is situate, to determine such conflicting claim, and the proffer of a certified copy of said entry, made by the Register, shall give to

said District Court full and complete jurisdiction to hear, try, and determine said conflicting claims. Upon the filing, with the State Register, a certified copy of the final judgment of said District Court, said State Register shall issue his certificate of purchase, or other evidence of title, in accordance with such judgment.

SEC. 3. The Surveyor-General and Register of the State Land ^{Deputy.} Office shall have power, under his hand and seal, to appoint a Deputy who may, during the absence of the Surveyor-General and Register from the office, perform all duties belonging to the offices. And for his own security, the Surveyor-General and Register may require such Deputy to give him a bond, in such sum and with such securities as he may deem sufficient; *Provided*, that said Deputy shall be entitled to no compensation from the State for acting in such capacity.

CHAP. CCLXXI.—*An Act supplementary to an Act entitled "An Act concerning Crimes and Punishments," passed April sixteenth, one thousand eight hundred and fifty.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. If any person, or persons, shall exhibit to another, ^{Obscene book, etc.} publish, pass, sell, or offer for sale, within this State, any lewd or obscene book, pamphlet, picture, print, card, paper, or writing, or shall have in his, her, or their, possession, any such lewd or obscene book, pamphlet, picture, print, card, paper, or writing, with intent to exhibit, publish, pass, or sell, the same, every person so offending shall be deemed guilty of a misdemeanor, and punished, on conviction, by a fine not exceeding five hundred dollars, or imprisonment in the County-jail not exceeding three months, or by both such fine and imprisonment.

SEC. 2. In prosecutions, under this Act, it shall not be necessary to set forth, in the indictment or complaint, any portion of the language used in such book, pamphlet, picture, print, card, paper, or writing; but it shall be sufficient to aver, generally, the fact of the lewdness or obscenity thereof. ^{Averment.}

SEC. 3. The Court before which any conviction may be had, ^{Destroyed by order of Court.} for any of the offences mentioned in this Act, may order to be destroyed any and all such lewd or obscene books, pamphlets, pictures, prints, cards, papers, or writings, which may be brought before it, or be used upon a trial; and the Sheriff, Marshal, Chief of Police, or Constable, charged with the execution of said order, shall immediately thereafter destroy the same.

SEC. 4. Courts of Sessions, Justices of the Peace, ^{Jurisdiction.} Recorders' Courts, in this State, and the Police Judge's Court, of the City and County of San Francisco, in this State, shall have full and

complete jurisdiction over all cases arising under the provisions of this Act.

CHAP. CCLXXII.—*An Act to regulate Salmon Fisheries on Eel River, in Humboldt County.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Sept. 15, to
Nov. 25.

SECTION 1. It shall be lawful to catch or take salmon from Eel River, at any time between the fifteenth day of September and the twenty-fifth day of November, of each year, in any manner, and by any means, not prohibited by the laws of this State.

Landing
seines.

SEC. 2. The owners of land, fronting on the above-named River, shall have exclusive right and privilege of casting, hauling, and landing seines and nets, on their own water-front. For the purposes of this Act, all bars, and the bed of said river, lying between the lines of the official survey and extreme low-water mark, shall be deemed and held to be the water-front of the land-owner whose lines border on said river, or run nearest thereto.

Bluff shore.

SEC. 3. Where there is a bar, or grade, suitable for landing seines or nets, on one side of the river, and a bold shore, and steep, abrupt bank on the other, the owner, or owners, of the land embracing such bar, or grade, shall have the exclusive privilege of using the entire width of the river, for fishing purposes, at such points or places; *Provided, always,* that such owner, or owners, shall in nowise impede, or interfere with, the navigation of said river.

Centre of the
river.

SEC. 4. Whenever, on both sides of said river, there is a bar, or grade, suitable for landing seines or nets, the owners of the land on each side of said river, embracing such bars, or grades, shall exercise fishing privileges and rights to the centre of the river, at low-water mark.

Penalty.

SEC. 5. Any person who shall cast, haul, or draw any seine, or net, on Eel River, for the purpose of catching salmon, at any other season than named in this Act, or not having the right to cast, haul, draw, or land such seine, or net, as provided in this Act, shall be deemed, and held to be, a trespasser against the persons whose rights are by this Act fixed and determined, and, in addition to any civil action had thereon, may be convicted of a misdemeanor, for every such offence, and punished by fine, not less than twenty-five, nor exceeding two hundred dollars, or imprisonment in the County-jail, not exceeding six months, or by both such fine and imprisonment, in the discretion of the Court.

CHAP. CCLXXIII.—*An Act to audit and allow Certain Claims.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The claim of Wm. H. Peterson, for arresting a murderer, by the name of Anestacia Garcia, on the twelfth of October, eighteen hundred and fifty-six, and indicted for the murder of Isaac B. Wall and Thomas Williamson, in the County of Los Angeles, the sum of one thousand dollars, is hereby audited and allowed. Peterson.

And the claim of T. R. Eldredge, for translating the Reports of the State Treasurer and Controller, for the year eighteen hundred and fifty-six, in the French language, the sum of five hundred and four dollars and thirty-seven cents, is hereby audited and allowed. Eldredge.

CHAP. CCLXXIV.—*An Act to Separate the Offices of County Recorder, County Auditor, and Clerk of the Probate Court, from the office of County Clerk, in the County of Sierra.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the first Monday in October, in the year one thousand eight hundred and fifty-nine, the offices of County Recorder, County Auditor, and Clerk of the Probate Court, in the County of Sierra, shall be separate from the office of County Clerk. Offices separated.

SEC. 2. At the general election to be held in the year one thousand eight hundred and fifty-nine, and at the general election every two years thereafter, shall be elected in the said County, a County Recorder, who shall enter upon the duties of his office on the first Monday in October, subsequent to his election, and shall hold said office for the term of two years, and until his successor is elected and qualified. Election of Recorder.

SEC. 3. The term of said office shall be two years, and shall commence on the first Monday in October, in the year one thousand eight hundred and fifty-nine, and on the first Monday in October every second year thereafter. Term of office.

SEC. 4. The County Recorder of said County shall be *ex officio* County Auditor, and Clerk of the Probate Court, and shall qualify, for his said office and *ex officio* offices; shall enter into such bond, or bonds, which bond, or bonds, shall be filed with the County Clerk of said County, for the faithful discharge of his duties; shall be possessed of all the authority, shall be subject to all the prohibitions, liabilities, and penalties, and shall Ex officio.

discharge all the duties imposed and enjoined, by, and on said officers, as prescribed by law.

Office. SEC. 5. The County Recorder shall keep his office at the Seat of Justice, in said County.

Repealing clause. SEC. 6. All Acts, and parts of Acts, in conflict with this Act, are hereby repealed, so far as they relate to the County Recorder, and his *ex officio* offices, in the County of Sierra; *Provided*, that nothing in this Act shall be held to affect the office of County Clerk, and his *ex officio* offices, in said County, until the first Monday in October, A. D. one thousand eight hundred and fifty-nine.

CHAP. CCLXXV.—*An Act amendatory of an Act approved March third, one thousand eight hundred and fifty-eight, entitled an Act to amend an Act to create the County of Del Norte, to define its Boundaries, and provide for its Organization, approved March second, one thousand eight hundred and fifty-seven.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section second of said Act is hereby amended so as to read as follows:

Commissioners. There shall be, and are hereby, appointed three Commissioners, viz.: William M. Bird, of Klamath County; Benjamin F. Dorris, of Del Norte County; and A. H. Murdock, of Humboldt County, whose duty it shall be to determine the amount of indebtedness of Klamath County, justly chargeable to Del Norte County, at the time of the organization of Del Norte County, together with the interest that has accrued thereon since the funding of said debt.

Meet in June. The said Commissioners shall meet at Orleans Bar, the County-seat of Klamath County, on the first Monday in June, A. D. one thousand eight hundred and fifty-nine, or as soon thereafter, and previous, to the first day of July of the same year, as may be practicable, and enter upon the discharge of the duties herein before mentioned.

Proportion of debt. They shall first proceed to ascertain the whole amount of the indebtedness of Klamath County prior to the organization of Del Norte County, and when the amount of said indebtedness is so ascertained, they shall determine what proportion of such indebtedness shall be paid by the County of Del Norte, taking as a basis the source of revenue of the two Counties from the first day of June, A. D. one thousand eight hundred and fifty-seven, to the first day of January, A. D. one thousand eight hundred and fifty-eight, as shown by the statements furnished them by the respective Auditors of the Counties of Klamath and Del Norte.

Interest. When they shall have apportioned the debt as herein before required, they shall proceed to compute the interest which shall

have accrued upon the bonds issued for said debt, and divide the payment of said interest between the Counties in the same proportion as the amount of indebtedness shall have been fixed, and any portion of said indebtedness, or interest, upon said bonds, that may have been paid by the County of Klamath, shall be properly placed to the credit of Klamath County.

A statement of the amount so agreed upon as a just proportion of the debt and interest to be paid by Del Norte County, as soon as ascertained, shall be forwarded to the Board of Supervisors of each County, and to the Auditor of Del Norte County, and as soon as the said Auditor shall have received such statement, properly certified to by a majority of said Board of Commissioners, he shall draw a warrant, bearing interest at the rate of ten per cent. per annum, on the Treasurer of Del Norte County, in favor of the Treasurer of Klamath County, for the amount so apportioned, payable as provided for in sections nineteenth and twentieth of the Act approved March second, one thousand eight hundred and fifty-seven, herein before mentioned.

The Auditor of Klamath County and the Auditor of Del Norte County shall each furnish to the Board of Commissioners, previous to the first day of June, A. D. one thousand eight hundred and fifty-nine, statements, made under oath, of the respective amounts of revenue of the two Counties, as derived from all sources for the time herein before mentioned.

CHAP. CCLXXVI.—*An Act to provide for the Location of School-Land Warrants upon unsurveyed Lands, and for the issuance of Title for the same.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Persons holding school-land warrants may locate the same, upon any of the unsurveyed lands of the United States subject to such location, under the provisions of the Act of Congress granting the five hundred thousand acres to the State for purposes of internal improvement; *Provided*, that any person desiring to make such location, shall file with the County Surveyor of the County in which the land is situated, an affidavit, setting forth that to the best of his knowledge and belief there is no adverse claim or title to the land, and that the same is subject to location, under the provisions of the Act of Congress making the grant. The County Surveyor shall then make the location, accurately describing the land by township, range, section, and parts of sections, after the method of the United States surveys. He shall then transmit to the Surveyor-General of the State, with the affidavit and warrant, a certificate of location, with a description of the land located, the number of the warrant, name of party, and he shall also certify that he is well ac-

Statement.

Location of warrants.

quainted with the method of surveying the public lands, and that the location was made by actual survey, from known United States corners. The County Surveyor shall also furnish a copy of the certificate of location to the party for whom the location was made, who shall cause the same to be recorded in the office of the County Recorder.

Examined
by Surveyor-
General.

SEC. 2. The Surveyor-General shall carefully examine the location, with reference to plats and school-land warrant returns, in his office, and if he shall find the same to be properly made, he shall, after the expiration of sixty days from the receipt of the certificate of location, (provided the location is not contested,) notify the Register and Receiver of the United States Land Office, in the District in which the land is situated, that the State has selected the tract of land described, in part satisfaction of the five-hundred-thousand-acre grant.

Certificate of
purchase.

SEC. 3. After the approval of the location, the Surveyor-General shall indorse the same upon the warrant, with a note of his approval, and surrender the warrant thus indorsed to the Register of the State Land Office, who shall cancel the same, and issue to the locator a certificate of purchase; *Provided, however,* if there are two or more claimants under the same warrant, or to the same tract of land, the certificate of purchase shall not be issued until the rights of the claimants have been determined, in the proper Courts.

Expenses.

SEC. 4. All expenses attending the survey and location of lands, under the provisions of this Act, shall be paid by the person or persons making the location.

Patents.

SEC. 5. All warrants located under the provisions of this Act, shall be deemed valid, as though such location had been made upon any regularly surveyed lands; and patents may be obtained in the same manner as is now provided for warrants located upon surveyed lands; *Provided, however,* that no location, under this Act, shall in any manner affect the right of persons holding lands under the pre-emption laws of this State, or of the United States.

Taxable.

SEC. 6. Lands located under the provisions of this Act shall be taxable from the date of the certificate of purchase of the same.

Mineral
lands
exempted.

SEC. 7. Nothing in this Act shall be construed to allow the location of school-land warrants upon reserved or mineral lands, or to prevent any citizen of the United States, or of this State, from entering upon and working any of the lands in this State containing gold, or other precious minerals, or salines; *And provided, further,* that should any lands located under the provisions of this Act, not be finally confirmed to this State by the General Government, the State shall in no event be responsible to the locator, or those holding under him, for constructive damages; but the warrant for the same may be floated, as in other cases provided by law; *Provided,* that such certificate of purchase, or of location, shall not affect any lands, or the title thereto, held in adverse possession at the date of location, or purchase thereof.

CHAP. CCLXXVII.—*An Act to provide for the Purchase, or Building, of a Turnpike Road, in the County of Yolo.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. At the next general election, there shall be submitted to the qualified electors of Yolo County the question of levying a special tax, for the purpose of building, or purchasing, a Turnpike Road across the tule lands, west of Sacramento River, in said County, in the following manner: by ballots, marked, "For the Turnpike Road," "Against the Turnpike Road." Should a majority of the qualified electors of said County vote for the Turnpike Road, the Board of Supervisors shall levy a tax of one-fourth of one per cent. upon all the taxable property of said County, to be collected pursuant to the Revenue Laws of this State, which tax shall be set aside, and constitute a Turnpike Fund, and be appropriated to the building, or purchasing, of a Turnpike Road.

Vote for or
against.

In case of
approval.

SEC. 2. The Board of Supervisors shall, at their first regular meeting after said election, appoint three Commissioners, (one from each Supervisor District,) whose duty it shall be to ascertain the amount for which the Yolo Turnpike Road, owned by Jacob L. Lewis, can be purchased by the County, and also estimate the cost of building a good and sufficient Turnpike Road, in a direct line from the Town of Washington to the Ranch of William Minnis, and report the same to the Board of Supervisors, at their next regular meeting, or at any meeting of said Supervisors specially called for that purpose. Upon the reception of the report of said Commissioners, the Board of Supervisors may, in their discretion, either purchase the Yolo Turnpike Road, owned by Jacob L. Lewis, or authorize the building of a new road. The said Commissioners shall receive, as a compensation for their services, the sum of four dollars per day, for each day's actual service, and the Supervisors shall audit and allow the same.

Commission-
ers.

SEC. 3. Should the Board of Supervisors determine to build a new road, the Commissioners mentioned in section two shall proceed to view out a road in a direct line from the Town of Washington to the Ranch of Wm. Minnis, in said County, and advertise in some newspaper, to be designated by the Board of Supervisors, for sixty days, the time, place, and manner, of letting the contract to build said road, in accordance with a plan or specification, either furnished or approved by the Board of Supervisors, which specification shall require said road to be completed within one year from the letting of the contract. The Commissioners shall award the contract to the lowest responsible bidder, under the instructions, and subject to the approval, of the Board of Supervisors. Should the Board of Supervisors fail to approve of the award of contract, the Commissioners shall, at any time within ten days, proceed to let the contract anew.

Award the
contract.

SEC. 4. The Board of Supervisors shall, if demanded, after

When half
completed.

one-half of said road has been completed, in accordance with the specifications in the contract, and upon a certificate of that fact from the aforesaid Commissioners, authorize the County Auditor to draw his warrant upon said Road Fund for one-fourth of the contract-price, and when three-fourths of said road shall be completed, and certified to in like manner, the contractors shall be entitled to a similar warrant for an additional one-fourth, and when the road shall be fully completed, and received by the aforesaid Commissioners, which shall appear by their certificates, then the Board of Supervisors shall authorize the County Auditor to draw his warrant for the residue.

Conveyance. SEC. 5. Should the Board of Supervisors purchase the road mentioned in section two of this Act, they shall authorize the County Auditor to draw his warrant upon the aforesaid Road Fund, for the amount of the purchase-money, when a good and sufficient conveyance in fee-simple shall be made to the County, which shall be approved by the District-Attorney.

Tax to cease. SEC. 6. Whenever the Board of Supervisors shall ascertain that there is a sufficient amount in said Turnpike Road Fund to discharge the contract-price, or purchase of said road, the tax mentioned in section one of this Act, shall cease to be levied.

In case of surplus. SEC. 7. If, after the purchase or completion of said road, a surplus remain in said Turnpike Road Fund, it shall go into and become a part of the County Road Fund.

CHAP. CCLXXVIII.—*An Act to amend an Act entitled "An Act to regulate Fees in Office in certain Counties of this State," approved April twenty-eighth, one thousand eight hundred and fifty-seven.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The first section of the Act to which this is amendatory is hereby amended so as to read as follows :

Counties exempted.

Section one—In the Counties of Sonoma, Santa Clara, San Mateo, Napa, San Joaquin, Los Angeles, Contra Costa, Sacramento, Alameda, Humboldt, Colusa, Santa Cruz, Santa Barbara, San Luis Obispo, Monterey, and Mendocino, such fees are allowed to the officers hereinafter named, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same.

CHAP. CCLXXIX.—*An Act to exempt the Estate of Charles Evans, deceased, from the process of Administration.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It is hereby made lawful for William Evans, of the County of Butte, only surviving heir of Charles Evans, deceased, to take possession of the property and effects of said Charles Evans, without proceeding in administration, as in such cases made and required by law ; *Provided, always,* that said William Evans shall pay off and discharge all debts due, or to become due, by and from said Charles Evans, deceased. Authorized to inherit.

CHAP. CCLXXX.—*An Act appropriating Moneys for the benefit of certain Orphan Asylums in this State.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Controller of State is hereby directed to draw his warrants on the Treasurer of State, payable out of the General Fund, for the sum of thirteen thousand dollars—six thousand dollars of which shall be payable to the Trustees of the San Francisco Orphan Asylum, and six thousand dollars of which shall be payable to the order of the Trustees of the Roman Catholic Orphan Asylum, of San Francisco, and one thousand dollars of which shall be payable to the order of the Trustees of the Roman Catholic Orphan Asylum, of Los Angeles ; and the sum of thirteen thousand dollars is hereby appropriated, out of any moneys in the treasury not otherwise appropriated, for the purpose of carrying out the provisions of this Act. \$13,000.

SEC. 2. The Trustees of said Orphan Asylums are hereby required to report to the Governor of this State, on or before the twentieth day of December next, a detailed statement of the expenditure of these respective appropriations, with the number of orphans who have been inmates of said Asylums, severally, during the year ending at the date of their reports, above specified. Trustees to report.

CHAP. CCLXXXI.—*An Act supplementary to, and amendatory of, an Act entitled an Act to allow Lindsey Carson to sell certain Real Estate, and to amend the Title of the same.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Title amended.

SECTION 1. The title of the above-recited Act is hereby amended so as to read as follows: "An Act to allow Lindsey Carson to sell certain real estate."

SEC. 2. Section one of the above-entitled Act is hereby amended so as to read as follows:

Petition the Probate Judge.

Section first—It shall be lawful for Lindsey Carson, guardian of John S. Williams, junior, an infant, to apply, by petition, to the Probate Judge of the County of Butte for leave to sell at public or private sale a certain piece or parcel of land situated in the County of Butte, consisting of five square leagues of land, more or less, known as the Ranch de Farwell, the property of the said infant.

Deeds made valid.

SEC. 3. All deeds or mortgages made and executed, and acts done by Lindsey Carson, under the provisions of the above-entitled Act, shall be, and the same are hereby, affirmed, and declared to be of full force and effect.

CHAP. CCLXXXII.—*An Act supplemental to an Act defining the Time for commencing Civil Actions, passed April twenty-second, eighteen hundred and fifty.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Open account.

SECTION 1. An action on an open account, for goods, wares, and merchandise, sold and delivered, and for any article charged in store-account, shall be commenced within two years after the cause of action shall have accrued; *Provided*, that the provisions of this section shall only apply to causes of action arising after the passage of this Act.

Action against officers.

SEC. 2. An action against any officer, or *de facto* officer, engaged in the collection of taxes, can only be commenced within six months:

First—For money paid to any such officer, under protest, or seized by such officer in his official capacity as a Collector of Taxes, and which, it is claimed, ought to be refunded.

Second—To recover any goods, wares, merchandise, or other property, seized by any such officer in his official capacity as Tax-Collector, or to recover the price or value of any goods,

wares, merchandise, or other personal property, so seized, or for damages for the seizure, detention, sale of, or injury to, any goods, wares, merchandise, or other personal property, seized as aforesaid, or for damages done to any person or property in making any such seizure, or for damages for any act, or the consequences of any act, done by any such officer in his official capacity, as aforesaid.

CHAP. CCLXXXIII.—*An Act to authorize the issuance of Duplicates for certain lost School-Land Warrants.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Treasurer of State is hereby authorized and directed to issue to Elizabeth Grundon, (and to deliver to her Agent, or Attorney,) the following described California school-land warrants, viz.: To Elizabeth Grundon, numbers nineteen, twenty, twenty-one, and twenty-two. Duplicate warrants.

SEC. 2. The said warrants shall be signed by the Treasurer and Controller of State, and indorsed by the Governor, and be written across the face thereof, "Duplicate." Indorsed.

SEC. 3. Before any of said duplicate school-land warrants shall be delivered to any of the persons above named, the Treasurer shall demand, and receive, from each, bonds of indemnity in the sum of twelve hundred and eighty dollars. Said bonds shall be payable to the State of California, conditioned against the appearance, or presentment for location, of the original school-land warrants herein before named. Bonds.

SEC. 4. Said bonds of indemnity shall be executed by at least two good and sufficient sureties, to be approved by the Treasurer of State. Sureties.

CHAP. CCLXXXIV.—*An Act to authorize the issuance of a Duplicate for a certain lost Controller's Warrant.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Controller of State is hereby authorized and directed to draw his warrant on the Treasurer of State, in favor of W. R. Armstrong, payable out of the General Fund, for the sum of thirty-five dollars, that being the amount of a certain warrant, drawn by the said Controller in favor of W. R. Armstrong, on the General Fund, and receipted for by W. R. Armstrong. Said warrant was drawn on the ninth of April, eighteen Duplicate warrant.

hundred and fifty-nine, and numbered three thousand six hundred and fifty-five.

Indemnity. SEC. 2. The Duplicate Controller's Warrant provided to be issued in section one of this Act, shall have the word "Duplicate," written across the face of it, in red ink. Before said duplicate shall be issued to the said Wm. R. Armstrong, the Controller of the State shall demand and receive from said Wm. R. Armstrong, a bond of indemnity in double the amount of said warrant, with two or more sureties thereon, who shall justify as sureties on such official bonds as are now by law required. Said bond shall be payable to the State of California, conditioned against the appearance, or presentment, of the original Controller's warrant herein before named, which is represented to be lost.

CHAP. CCLXXXV.—*An Act to appropriate Money for the Payment of a certain Judgment, rendered against John B. Weller.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

\$25,000. SECTION 1. The sum of twenty-five thousand dollars, or so much as may be required for the payment of said judgment, is hereby appropriated, out of any money in the State treasury not otherwise appropriated by law, for the payment of a judgment rendered against John B. Weller, in favor of John F. McCauley, in the County Court for the County of Marin, on the sixth day of October, A. D. one thousand eight hundred and fifty-eight, in the sum of twelve thousand five hundred and thirty-one dollars and ninety-three cents, damages and costs, and accruing rents and costs.

Warrant. SEC. 2. The Controller of State is hereby required to draw his warrant, upon the order of the Governor of this State, in favor of John B. Weller, (Governor,) for the satisfaction of the judgment described in section one of this Act, not exceeding the sum of twenty-five thousand dollars, and the Treasurer of State is hereby required to pay such warrant.

CHAP. CCLXXXVI.—*An Act to audit and allow Certain Claims.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Monk. SECTION 1. The claim of Thomas K. Monk, for services as Clerk to Select Committee of the Assembly in the month of Jan-

uary, A. D. eighteen hundred and fifty-five, the sum of one hundred and forty-six dollars, is hereby audited and allowed. And, the claim of C. T. Meader and Company, for groceries furnished Meader & Co. Insane Asylum in the month of November, eighteen hundred and fifty-six, the sum of twenty dollars and forty-seven cents, is hereby audited and allowed.

CHAP. CCLXXXVII.—*An Act for the Protection of Gas-Light Companies.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any person who, with intent to injure or defraud any Gas Company, body corporate, or individual, shall make, or cause to be made, any pipes, tube, or other instrument, or continuance, or connect the same, or cause it to be connected, with any main service-pipe, or other pipe for conducting or supplying illuminating gas, in such manner as to connect with, and be calculated to supply, illuminating gas to any burner or orifice, by or at which illuminating gas is consumed, around or without passing through the meter provided for the measuring and registering the quantity of gas there consumed, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment not exceeding six months, and by fine not exceeding two hundred and fifty dollars. Tampering with service-pipes.

SEC. 2. Any person, who, with intent to injure or defraud any Gas Company, body corporate, or individual, shall willfully injure, alter, or obstruct, or prevent the action of any meter provided for the measuring and registering the quantity of illuminating gas consumed by, or at, any burner, or orifice, or place, or cause, or procure, any such meter to be injured or altered, or the action thereof to be obstructed or prevented, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by imprisonment not exceeding six months, and by fine not exceeding two hundred and fifty dollars. Or meter.

CHAP. CCLXXXVIII.—*An Act granting the consent of the Legislature to the Formation of a different Government for the Southern Counties of this State.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Consent to
segregate.

SECTION 1. That the consent of the Legislature of this State is hereby given to the effect, that all of that part or portion of the present territory of this State, lying all south of a line drawn eastward from the west boundary of the State, along the sixth standard parallel south of the Mount Diablo meridian, east to the summit of the Coast Range; thence southerly, following said summit to the seventh standard parallel; thence due east, on said standard, parallel to its intersection with the northwest boundary of Los Angeles county; thence north-east, along said boundary, to the eastern boundary of the State, including the counties of San Luis Obispo, Santa Barbara, Los Angeles, San Diego, San Bernardino, and a part of Buena Vista, be segregated from the remaining portion of the State, for the purpose of the formation by Congress, with the concurrent action of said portion—the consent for the segregation of which is hereby granted—of a Territorial or other Government, under the name of the “Territory of Colorado,” or such other name as may be deemed meet and proper.

Vote for or
against.

SEC. 2. The Governor shall, in his Proclamation for the next general election, direct the voters of the Counties of San Diego, San Bernardino, Los Angeles, Santa Barbara, San Luis Obispo, and a part of Buena Vista, to wit: such part as shall include all of the Precincts south of the sixth standard parallel south of the Mount Diablo meridian, at such general election, to vote, “For a Territory,” or “Against a Territory;” and in case two-thirds of the whole number of voters voting thereon shall vote for a change of Government, the consent hereby given shall be deemed consummated.

Returns.

SEC. 3. The respective County Clerks of the Counties herein named shall make out a statement of the result of such vote, and transmit the same to the Secretary of State, in the same manner as by law they are required to do concerning the election of State and County officers; and it is hereby made the duty of the Secretary of State, upon the receipt by him of the election returns of the said Counties and Precincts, to make out a correct statement of the whole number of votes cast, both for and against the change of Government; and in case two-thirds, or more, of the votes relating to the change of Government be found to be in favor of such change of Government, he shall certify to the correctness of such statement, and transmit certified copies of the same, with copies of this Act annexed, to the Governor of this State, whose duty it shall be to cause a copy, with a copy of this Act annexed, to be sent to the President of the United

States, and to each of our Senators and Representatives in Congress.

SEC. 4. The connection now existing between this State and the said Counties, and parts of Counties—to the segregation of which the Legislature hereby consents, upon condition that two-thirds of the voters residing therein, and voting thereon, shall vote for such change at the next ensuing general election—shall continue, to all intents and purposes, until the organization and establishment of a separate Government therefor, under a law of Congress to that effect, and no longer. Continue as now until Act of Congress.

SEC. 5. Should Congress so act on the consent hereby given, as to organize a separate Government for the southern Counties, as herein specified, the Legislature of the State of California, to be held next after such action, shall appoint two Commissioners; and the first Territorial Assembly, or Legislature of the new Government, as the case may be, shall, during the first session, appoint two other Commissioners, all of whom shall meet at the Capital of California proper, at such time as the Governor of the last named State shall signify to them, which said Commissioners shall constitute a Board, who shall settle and adjust the property and financial affairs between the State of California and the new Government, and who shall, in the apportionment of the same, take as a basis the respective number of votes polled at the general election of one thousand eight hundred and fifty-eight, in the Counties and Precincts embraced in the two respective Governments; and in case the four Commissioners, thus to be appointed, fail to agree, they shall nominate and appoint a fifth, and a majority of such five Commissioners shall determine the amount of the indebtedness of the new Government to the State of California, on account of the State debt at the time of her final segregation; and the expense of the said Commission shall be equivalent to that of the members of the State Legislature for a like or corresponding time, and be borne equally by the said State and Territorial, or other Government. Commissioners.

CHAP. CCLXXXIX.—*An Act to regulate Proceedings in Civil Actions in certain Cases.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. In any suit or action which has been instituted, or may hereafter be instituted, against any officer of this State, or person acting as such officer, on account of the taking, or detention, or both, of the State-prison and grounds, at Point de San Quentin, in the County of Marin, or any personal property at said Prison, or against any person accompanying said officer, for assisting or aiding in such taking or detention, under the requirements of, or by virtue of any law or statute of this State, said State-prison suits.

officer or person may, in addition to other defence, plead and show in defence of said suit, or action, that said Prison and grounds, or personal property, were, at the time of the taking, or detention, complained of, the property of the State of California, and that any contract of leasing, or of any other kind purporting to have been made by or on behalf of said State, under or by virtue of which the plaintiff in said suit or action claims the right to possess or occupy any of said property, is, for any reason, null, void, or inoperative, and may also plead and show, that any such contract has been violated in any material respect by the plaintiff in said suit, or action, or by those through whom he claims, and upon any such satisfactory showing as aforesaid, the defendant, or defendants, in said suit, or action, making the same, shall be entitled to judgment therein.

Appeal.

SEC. 2. Whenever an appeal is taken by any defendant in any suit or action named in section one of this Act, the filing of the notice, and service thereof, as required by law, shall be effectual as an appeal, for all purposes, and shall operate as a stay of execution, and of all other proceeding, until the final disposition of said appeal, and no process for the execution of the judgment, or order appealed from, shall issue in such case until the rendition of judgment in the Appellate Court.

Repealing
clause.

SEC. 3. All Acts, or parts of Acts, in conflict with the provisions of this Act, are hereby repealed.

CHAP. CCXC.—*An Act to provide for the Payment of "Coupons for Interest," to be issued under the Provisions of an Act entitled "An Act to provide for the Funding and Payment of the Outstanding Unfunded Claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six," approved April twenty, one thousand eight hundred and fifty-eight.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Loan to be
contracted.

SECTION 1. The Board of Fund Commissioners, created and constituted by the provisions of an Act entitled "An Act to provide for the funding and payment of the outstanding unfunded claims against the City of San Francisco, and against the County of San Francisco, as they existed prior to the first day of July, A. D. one thousand eight hundred and fifty-six, approved April twenty, one thousand eight hundred and fifty-eight," are hereby authorized to borrow, upon the best terms upon which they can effect such loan, a sum of money sufficient to pay the coupons to be issued under the provisions of said Act, and which shall fall due upon the first day of July, one thousand eight hundred and fifty-nine, and for the purpose of effecting

such loan, the consent of a majority of said Commissioners shall be sufficient.

SEC. 2. The money to be borrowed under the provisions of section one, of this Act, shall be repaid with the interest thereon, out of the first money to be received for taxes for the fiscal year ending June thirtieth, A. D. one thousand eight hundred and sixty, and made applicable by law, to the payment of the coupons, mentioned in the first section of this Act. Paid in 1860.

SEC. 3. The said Board of Fund Commissioners shall certify to the Auditor of the City and County of San Francisco, the amount of the loan provided for in this Act, with the amount of interest due thereon, and said Auditor shall thereupon audit, and the Treasurer of said City and County shall pay, the demand arising under this Act, out of the money to be received as provided in section two of this Act. Auditor shall pay.

CHAP. CCXCI.—*An Act to authorize the Governor of the State of California, in conjunction with the United States, to run and mark the Boundary-Lines between the Territories of the United States and the State of California.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That the Governor of the State of California be, and he hereby is, authorized and empowered to appoint a suitable person, or persons, who, in conjunction with such person, or persons, as may be appointed by, and on behalf, of the United States, for the same purpose, shall run and mark the boundary-lines between the Territories of the United States and the State of California, "beginning at the point of intersection of forty-second degree of North latitude with the one hundred and twentieth degree of longitude West from Greenwich, and running South, on the line of said one hundred and twentieth degree of West longitude, until it intersects the thirty-ninth degree of North latitude; thence running, in a straight line, in a southeasterly direction, to the River Colorado, at a point where it intersects the thirty-fifth degree of North latitude. Appoint a Commissioner.

SEC. 2. And be it further enacted, that such land-marks shall be established at the said point of beginning, at the intersection of forty-second degree of North latitude with the one hundred and twentieth degree of longitude, West from Greenwich, and at the other corners, and on the said several lines of said boundary, as may be agreed on by the United States, or those acting under its authority, and the said State of California, or those acting under its authority. Monuments.

SEC. 3. Be it further enacted, that the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the treasury not \$5000 appropriated

otherwise appropriated, to carry out the provisions of this Act; *Provided*, that the person, or persons, appointed and empowered on the part and behalf of the United States are to be paid by the United States.

CHAP. CCXCII.—*An Act to repeal the several Acts incorporating the City of Benicia, and to provide for the Government thereof.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Name of
corporation.

SECTION 1. The several Acts of the Legislature of the State of California, entitled "An Act to incorporate the City of Benicia," passed April twenty-fourth, one thousand eight hundred and fifty-one, and, also, an Act entitled "An Act supplementary to an Act incorporating the City of Benicia," passed April thirteenth, one thousand eight hundred and fifty-four, are hereby repealed, and from and after the passage of this Act the corporation, or body politic and corporate, known heretofore under said Acts as the Mayor and Council of the City of Benicia, shall continue and be a body politic and corporate, under the name and style of the "Trustees of the City of Benicia," with the powers granted by this Act.

Board of
Trustees.

SEC. 2. The corporate powers and duties of said Trustees shall be such only as are provided in this Act. Said Board of Trustees shall consist of three members, who shall be elected by the qualified electors of said City, on the first Monday of May, one thousand eight hundred and fifty-nine, and shall hold their offices for the terms herein provided, and until their successors are elected and qualified.

Election in
May, 1859.

SEC. 3. The Council of the City of Benicia shall call an election, to be held on the first Monday of May, one thousand eight hundred and fifty-nine, for the election of three Trustees according to the provisions of this Act, which shall be held and conducted in the same manner as City elections are now held and conducted. They shall canvass the votes, and declare the result thereof, within ten days after such election shall have been held. The person receiving the highest number of votes shall hold office for the term of three years from the day of such election, until his successor shall have been elected and qualified. The person receiving the next highest number of votes shall hold office for the term of two years from the day of such election, and until his successor is elected and qualified. And the person receiving the next highest number of votes shall go out of office on the first Monday in May, one thousand eight hundred and sixty, or as soon thereafter as his successor shall have been elected and qualified.

Subsequent
elections.

SEC. 4. At the election held on the first Monday in May, one thousand eight hundred and sixty, and of each subsequent year,

a Trustee shall be chosen, who shall hold his office for the term of three years, and until his successor is elected and qualified. All elections held subsequent to the first day of May, one thousand eight hundred and fifty-nine, shall be held by a Board of three Judges, to be designated by the Trustees.

SEC. 5. The Board of Trustees shall assemble, within twenty days after their election, and choose a President from their number, and shall, by ordinance, fix the time and place of their stated meetings, and may be convened by the President at any time. At all meetings, a majority shall constitute a quorum, to do business. Said Board shall judge of the qualification and election of their own members, and may establish rules for their own proceedings, and shall keep a record thereof. President of Board.

SEC. 6. Any person shall be [qualified] to hold the office of Trustee, who shall be a qualified elector, and who shall have resided in said City six months, next preceding such election. In case of any vacancy in the Board of Trustees, the remaining members of said Board shall call an election to fill the same, and shall give at least five days previous public notice of said election. The like notices shall be given in all cases of election, after the first election. Should any of the Judges appointed to hold an election fail to attend, the electors present may appoint others in their stead. All such elections shall be conducted in the same form, and manner, and according to the laws regulating elections, and certificates shall be issued by the Judges of election, to the persons who shall be chosen at the first election under this Act. At all subsequent elections, the returns shall be made to the Board of Trustees, who shall issue certificate of election to the person having the highest number of votes. Qualification

SEC. 7. The said Board of Trustees shall, on the first Monday of April in each year, make out a full and correct statement of all moneys received and expended, under this Act, during the year next preceding, and shall cause such statement to be entered on record in their proceedings. Statement.

SEC. 8. Neither of the Trustees mentioned in this Act, shall receive any compensation for their services. Nor shall it be lawful for any Trustee to purchase any bonds or other indebtedness of the City while in office. Compensation

SEC. 9. Said Trustees shall, upon their election, take charge of all property of the City, real and personal. All records and papers belonging to the City shall, upon demand, be delivered to said Trustees. Said Trustees shall have power, in the corporate name of said City, to prosecute all necessary actions on behalf of said City; and, also, in their said corporate names, to defend in all actions that may be instituted against said City. Powers of Trustees.

SEC. 10. No sale of any property of said City shall be made, otherwise than by the Sheriff of Solano County, at public auction, after notice thereof shall have been given, by said Trustees of said City, by publication in some newspaper, to be by them designated, for at least twenty days before such sale. At all sales of such property, ten per cent. of the amount thereof shall be paid in money, and the remaining portion shall be paid either in cash, or any funded bonds of said City, or coupons for the interest on said bonds. The Sheriff shall pay all proceeds of such Sales of property.

sales, less his fees, which shall be the same per centage as is allowed him by law, on sales of property under execution, to the County Treasurer of said County, who shall apply the same to the extinguishment of the debt of said City; in the same manner as the taxes which may be collected shall be applied.

Judgments. SEC. 11. It shall be the duty of the Trustees to audit and pay all judgments now outstanding against said City, or which may have heretofore been recovered against any Tax-Collector, or Marshal, of said City, growing out of the collection of taxes illegally assessed, and to issue the bonds or warrants of said City for the same, and for that purpose only they shall be considered a body politic and corporate until the requirements of this section shall have been fully completed.

Special tax. SEC. 12. For the purpose of providing for the payment of the interest on the debt of said City, and for the extinguishment of said debt, the Board of Supervisors of Solano County are hereby authorized to levy, upon the assessment made by the County Assessor, of property within the corporate limits of said City—which assessment shall be adopted as and for the City assessment—a tax not exceeding one hundred cents on each one hundred dollars, which shall be collected by the Sheriff of said County in the same manner as County taxes are collected, and shall be paid over by said Sheriff to the Treasurer of said County, less his fees for collecting the same, which shall be the same as for collecting State and County taxes. The payment of said taxes may be enforced by said Sheriff in the same manner as the payment of the State and County taxes may be enforced under the laws of this State. The said Treasurer shall apply such fund in redeeming the bonds and warrants of said City as in this Act is hereinafter provided. For all services rendered by the said Treasurer under this Act, he shall be entitled to, and receive, the same fees as he is entitled to for like services as County Treasurer.

Proposals for surrender of bonds. SEC. 13. Said Trustees shall cause a notice to be published, in such newspaper as they shall designate, for thirty days preceding the first day of February, in the year one thousand eight hundred and sixty, and for the same length of time, preceding the first day of February, in each year thereafter, notifying all persons holding bonds or warrants, of said City, issued prior to the passage of this Act, that sealed proposals will be received by said Trustees, on or before the first day of February next, after the publication of such notice, for the redemption of such outstanding bonds and warrants, until all such bonds and warrants outstanding shall be redeemed; such sealed proposals shall specify the number, date of, and amount of the bond, or warrant, including the interest; and shall specify the sum in cash that will be received in lieu thereof; and, also, from and after the first day of February, in the year one thousand eight hundred and sixty, all bonds and warrants issued prior to the passage of this Act, shall bear interest at five per cent. per annum.

Award. SEC. 14. Such sealed proposals, mentioned in section eleven of this Act, as shall be received by said Trustees, shall be by them delivered to the County Treasurer of Solano County, on or before the tenth day of February, next after the same shall be received, and thereupon said Treasurer shall open such proposals,

and enter a minute of the contents of each proposal, in a book to be kept for that purpose, and shall pay cash for, and redeem, each bond or warrant, having due regard to the lowest amount proposed to be received for any bond, or warrant, and shall redeem in that order, until the money applicable to the redemption of the bonds, or warrants, shall be exhausted, or all the bonds, or warrants, presented, shall have been canceled. When a bond, or warrant, shall be redeemed, the said Treasurer shall indorse the word "canceled" thereon, and sign the same, and enter a minute of the redemption of such bond, or warrant, specifying the number, date, and amount thereof, in said book.

SEC. 15. All moneys arising from the sale of any property belonging to said City, or which may accrue to said City, shall be applied, after deducting all necessary expenses in the collection of the same, to the payment of the debt of said City, as provided in this Act, and to no other purpose. Proceeds.

SEC. 16. This Act shall take effect immediately.

Take effect.

CHAP. CCXCIII.—*An Act changing the time of Assessing the value of the Real and Personal Property, and collecting the Taxes levied thereon for State and County Purposes, in the Counties of Sierra and Plumas.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Assessors of Sierra and Plumas Counties shall commence the assessment of the real and personal property in said Counties on the first Monday of March, and shall have the same completed on or before the first Monday of June in each year. Assessment.

SEC. 2. The Assessor shall, on the second Monday of June, in each year, deliver to the Clerk of the Board of Supervisors, the assessment-roll of his County. Deliver to Clerk.

SEC. 3. The Board of Supervisors of each of said Counties shall meet as a Board of Equalization on the second Monday of June in each year, and shall continue in session for one week only. Board of Equalization

SEC. 4. The Clerk of the Board of Equalization shall deliver the assessment-roll of the County, as equalized by the Board, to the Auditor of the County, on or before the third Monday of June, in each year. Deliver to Auditor.

SEC. 5. The Auditor shall, on the first Monday of July, in each year, deliver the assessment-roll, prepared in the manner required by law, to the Sheriff of his County, who is *ex officio* Tax-Collector, who shall, on the first Monday of July, in each year, proceed to collect the same, in each Township in the County, as directed in the next succeeding section. Deliver to Sheriff.

SEC. 6. The Tax-Collector shall, on or before the first Monday

Notice to be given. of July, in each year, cause a printed notice to be posted in three of the most public places in each Township in the County, stating that the assessment-roll of the County has been placed in his hands, and that the State and County taxes are due and payable thereon, and that the laws in regard to their collection will be strictly enforced, and that he will be at the places named, in each Township, in the said notice, on the day, or days, therein stated, to receive the taxes due on real and personal property; and he shall, also, on or before said first Monday of July, in each year, cause a copy of said notice to be published in some newspaper published in the County, which publication shall be made, once each week, for four successive weeks. The Tax-Collector, or his Deputy, shall be in attendance, at the places and times named in said notice, to receive the taxes then due. The Tax-Collector shall also keep his office open, at the County-seat of his County, for the receipt of taxes, each day, Sundays excepted, from the first Monday of July until the Saturday preceding the first Monday of October, in each year.

Levy. SEC. 7. On the first Monday of August in each year, the Tax-Collector shall, on the close of his official business for that day, enter upon the tax-list or assessment-roll, a statement that he has made a levy upon all the property assessed in said roll, and upon which the taxes have not been paid, for which statement no fees shall be charged; and thereafter he shall charge each and every person an addition of five per cent. upon the amount of all taxes to be paid by such persons, which five per cent. shall be paid into the County treasury—one-half for the use of the State, and the other half for the County.

Completion. SEC. 8. On the Saturday next preceding the second Monday of August, the Tax-Collector shall have completed the delinquent-list of all persons owing taxes.

Delinquent-list. SEC. 9. On or before the third Monday of August, the Tax-Collector shall cause the delinquent-list to be published in some newspaper published in the County, by one insertion in said newspaper, one time per week, for three successive weeks. Said publication shall also designate the time and place of said sale, which shall be on the second Monday of September, and at the Court-house door.

Tax-sale. SEC. 10. On the second Monday of September, the Tax-Collector shall commence to sell the real estate, and improvements advertised, and shall conclude said sale, on or before the third Monday of September, A. D. one thousand eight hundred and fifty-nine.

Personalty. SEC. 11. Immediately on closing the tax-sale, the Tax-Collector shall seize, and take into his possession, any personal property that he can find belonging to any person delinquent for tax on any property, whether personal property, improvements, or real estate, and he shall sell so much of such seized personalty as may be sufficient to pay the taxes and costs, upon giving one hour's verbal notice. And for seizing and selling such personal property, the Tax-Collector shall be allowed, in each case, in addition to the fees herein before provided for, a fee of three dollars, and the same mileage that a Sheriff would be entitled to receive for traveling to the place to make a levy, to be recovered of the delinquent party.

SEC. 12. On the first Monday of October, the Auditor shall credit the Tax-Collector with the amount of taxes on the delinquent-list, and make the final settlement with him, that is now, provided by law, provided to be made on the first Monday in February. Settlement.

SEC. 13. All the requirements and directions of the Act entitled an Act to provide revenue for the support of the Government of this State, passed April twenty-ninth, A. D. one thousand eight hundred and fifty-seven, concerning the duties of the Board of Supervisors, the County Assessor, the Clerk of the Board of Equalization, the Auditor, the Tax-Collector, the County Treasurer, and County Recorder, and the County Clerk, not inconsistent with this Act, shall be applicable to, and obligatory on, each of said officers under this Act, and each and every provision of said Act, above recited by its title, from section one to section fifty-nine thereof, not inconsistent with this Act, shall be applicable to the Counties of Sierra and Plumas, for each and every purpose of revenue, to be derived from taxes on real and personal property. Application of general law.

CHAP. CCXCIV.—*An Act amendatory of an Act, entitled "An Act amendatory of, and supplementary to, an Act entitled 'An Act to Incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven,' approved April twenty-fifth, one thousand eight hundred and fifty-seven."*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section eleven of Article four of said Act is amended so as to read as follows:

Section eleven—It shall be the duty of the City Assessor, before the first Monday in August of each year, to ascertain, by diligent inquiry and examination, the names of all persons, corporations, associations, companies, or firms, owning, claiming, or having the possession, charge, control, or management of any real estate, or personal property, situate, or being within the City limits, and the full cash value of all such real estate and personal property, not by law exempt from taxation, and he shall list, or assess, all such real estate and personal property to the person, corporation, association, company, or firm, owning it, or having the possession, charge, control, or management of it; and he shall demand, and hereby has power and authority to demand, from each person, and from each or any member of any company, or firm, and from the President, Cashier, Secretary, Treasurer, or Managing Agent of any corporation, association, company, or firm, within the City limits, a statement, under oath, of all the real estate, and improvements thereon, and of all personal property within the City limits, owned or claimed by such person, corporation, association, company, or Assessment of property

firm, or which is in the possession, or under the control or management of such person, corporation, association, company, or firm.

In case of refusal.

And if any person required to do so, shall refuse or neglect to give, under oath, the above-required list or statement of all his property, and of all the property he claims, or has the possession, control, or management of, and of all the property the company or firm of which he is a member, owns, claims, or has the possession, control, or management of, and of all the property any corporation, association, or company, of which he is President, Cashier, Secretary, Treasurer, or Managing Agent, owns, claims, or has the possession, control, or management of; or if the owner or claimant of any property shall be absent, or be unknown, or be a non-resident, it shall be the duty of the Assessor to make an approximate estimate of the value of such property, taking care that the revenue of the City shall not be diminished in consequence of any refusal to give a list or statement of property, under oath, and the estimate so made by the Assessor, shall be final and conclusive, so far as personal property is concerned, unless the party owning, claiming, or having the possession, control, or management of the same, shall, thereafter, prior to the first Monday in August, or within three days after demand for the taxes on such assessment shall be made, if said demand is made prior to the first Monday in August, render to the Assessor, under oath, the statement required by this Act.

Estimate of Assessor.

And the estimate made by the Assessor under the provisions of this section shall be final and conclusive in regard to real estate unless such estimate is altered by the Common Council; *Provided*, all real estate, improvements, and personal property shall be assessed to a person, corporation, association, company, or firm, as herein provided, and to all owners, or claimants, known, or unknown.

Tax-list.

It is further made the duty of the Assessor to prepare, before the first Monday in August of each, year a list of all the taxable property, real and personal, in said City, which shall be the assessment-roll of said City. The list, or assessment-roll, shall be alphabetically arranged in a well-bound book, or books, in which shall be listed, or assessed, all the real estate and personal property within said City; and in said book, or books, the Assessor shall set down in separate columns:

First—The names of all taxable inhabitants in said City.

Second—All real estate and improvements, giving the metes and bounds, or describing by lots, or fractions of lots, or otherwise, all real estate, with or without improvements, within the City limits; *Provided*, that when two or more parties claim, or give a description of, the same real estate, it shall be assessed to each party making such claim, or giving such description, according to the estimated value of the claim of each.

Third—The cash value of the same.

Fourth—The cash value of all improvements on real estate.

Fifth—The cash value of all personal property, except improvements, taxable to each.

The said list, or assessment-roll, when completed, shall be handed to the City Clerk, for the use of the Common Council.

After said first day of August, of each year, the Assessor shall prepare a supplementary list, or assessment-roll, and shall furnish the same, in like manner, to the City Clerk, for the use of the Common Council. Within ten days after the reception of said assessment-roll, or said supplementary assessment-roll, the Common Council of said City shall hold one or more meetings, for the correction of any errors in said assessments, of which meetings notice shall be given, in one of the newspapers published in said City, of at least five days; and no assessment-roll shall be delivered to the City Marshal, for collection of the taxes, until such meeting, or meetings, shall have been held, and until the Common Council shall have approved said assessment-roll. ^{Supplementary list.}

The Common Council of said City shall have the same power to alter the said assessment-roll as is, by law, conferred upon the Board of Supervisors of Yuba County, in respect to the assessment-roll for State and County purposes. If any person shall give to the Assessor a false name, or shall refuse to give his or her name, or shall refuse to give a list, or statement, of property, as herein required, or shall refuse to swear, or affirm, to such list or statement, he or she shall be deemed guilty of a misdemeanor, and shall be arrested, upon complaint of the Assessor; and, upon conviction before any Justice of the Peace in said City, he or she shall be punished, by a fine of not less than twenty, nor more than two hundred dollars, or by imprisonment, for a term not exceeding thirty days, or by both fine and imprisonment. The Assessor of the City shall receive, for compensation for his services, under this Act, the sum of one thousand dollars per annum. ^{Power to alter.}

Sec. 2. Section two of article five of said Act is hereby amended so as to read as follows:

Section two—Every assessment and levy of taxes, duly made, for any purpose, in conformity with the spirit and provisions of this Act, shall be and remain as a judgment against the person, and lien against the property assessed, from the time of such assessment and levy, and shall have the force and effect of an execution against the party and property liable for the same. The said lien shall not be removed until the taxes are all paid, or the property has vested in a purchaser under a sale for taxes. ^{Assessment to stand as judgment.}

Upon receiving the assessment-roll from the City Clerk, after its approval by the Common Council, the Marshal shall proceed to collect the taxes, and shall forthwith give notice, by publication in one or more newspapers published in said city, that the City taxes are due and payable, and that the law in regard to their collection will be strictly enforced; *Provided*, that the Marshal may, at any time after the taxes are assessed upon personal property, demand the payment thereof, and upon demand being made, and a refusal or neglect to pay said taxes, he shall have the power to seize and sell such personal property for the delinquent taxes, at any time, upon giving ten days' notice in the official newspaper, published in said City, designating the time and place of sale, and the name of the owner of such property, when known, and when not known, stating such fact, as also a description of such property so seized, the amount of taxes due thereon, and where the same ^{Collection.}

is situated, which said notice shall also be posted, in three public places in the Ward in which said personal property is situated.

**Levy upon
real estate.**

If the property, upon which taxes are due, shall be real estate, the Marshal shall proceed to levy upon, advertise, and sell the same, at the City-Hall door, in said City, at the time, and in the manner, prescribed by law for the levy upon, advertisement, and sale, of real estate for delinquent State and County taxes; and for the purposes of making such levy, advertisement, and sale, the Marshal is vested with all the powers to make collection of taxes within the City, by the sale and conveyance of real property, as is now, or shall be, conferred upon Collectors for the collection of State and County taxes. And it shall be the duty of the Marshal—and he is hereby vested with the power—to collect, in the same manner, any tax-list or assessment-roll placed in his hands. And the provisions of the laws of this State relating to the collection of State and County taxes, and the sale and conveyance of real estate for delinquent taxes, so far as the same can be made applicable, shall be deemed to apply to the collection of delinquent City taxes upon real estate, by the City Marshal.

Deed.

Upon the sale of real estate by the Marshal, for delinquent taxes, he shall execute, and deliver to the purchaser, such certificate and deed as are required of the Collectors of State and County taxes. The certificate and deed shall have the same effect, to all intents and purposes, as a certificate and deed made by the Collector of State and County taxes, and the real estate so sold by the Marshal shall be subject to the right of redemption, in the same manner as if sold by the Collector of State and County taxes.

If no bidders.

In case any real estate is offered for sale for delinquent taxes, as above provided, and there shall be no bidders for the same, or in case any real estate so offered, shall fail to sell for a sufficient amount to pay the taxes due thereupon, it shall be the duty of the City Marshal to apply to the District Court of Yuba County, for a judgment against the delinquent person, for the amount of the taxes due, or remaining due, and it shall be lawful for the Clerk of said Court to enter judgment against such person, for the whole amount due, and to issue execution, directed to the Sheriff of any County in this State, which said execution shall be enforced and satisfied in the same manner as executions in civil cases.

Fees.

The same fees and per centage shall be charged by the Marshal against delinquent tax-payers, as are authorized to be charged by Collectors of State and County taxes. The Marshal shall receive, as his commissions, three per cent. upon all moneys collected by him under this Act.

CHAP. CCXCV.—*An Act to authorize Certain Counties to retain the State's portion of the Poll-Tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in the said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a Wagon-Road from Cloverdale to Yreka.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Treasurers of the Counties of Sonoma, Napa, Mendocino, Humboldt, Trinity, and Siskiyou, are hereby authorized and required to retain the State's portion of the poll-tax, less that portion authorized by law to be paid into the General School Fund, which shall be collected in said Counties for the year one thousand eight hundred and fifty-nine, and for the year one thousand eight hundred and sixty, to be applied to the construction and improvement of a wagon-road leading from Cloverdale, in Sonoma County, through Mendocino, Humboldt, Trinity, and Siskiyou, to Yreka. State poll-tax relinquished for road.

SEC. 2. The County Treasurers of the Counties of Sonoma, Napa, and Mendocino, are hereby authorized, and required, to pay, to the orders of the Board of Supervisors of the County of Mendocino, any and all moneys authorized to be retained by them, according to the provisions of this Act, whenever such orders shall be presented, and said orders shall be, to the Treasurers' receipts for the amounts so ordered to be paid. On order of Supervisors.

SEC. 3. The Board of Supervisors of Mendocino County shall cause the money to be received, according to the provisions of this Act, from the County Treasurers of said Counties of Sonoma, Napa, and Mendocino, to be expended for the construction and improvement of a wagon-road, leading from Cloverdale, by Hutton's Ranch, Feliz's Ranch, through Ukiah Valley, Little-lake Valley, Long Valley, and to the southern boundary-line of Humboldt County. Mendocino.

SEC. 4. That portion of the poll-tax which shall be collected in Humboldt County, and retained, in accordance with the provisions of this Act, shall be applied, and expended, for the continuation and improvement of the afore-mentioned road, within and through Humboldt County, to the boundary-line between Humboldt and Trinity, at a point to be determined by Viewers, to be appointed as hereinafter provided. Humboldt.

SEC. 5. The Board of Supervisors of Mendocino County, and the Board of Supervisors of Humboldt County, shall, each, on or before the second Monday in July, one thousand eight hundred and fifty-nine, appoint one Viewer from their respective Counties, to view out a road, from the terminus of the road in Long Valley, in Mendocino County, to, and through, a portion of Humboldt County, to a point on the western line of Trinity County, which shall be a point on the shortest and most practi- Viewers.

cable route, from Long Valley, through Humboldt, to Weaver-ville, in Trinity County; which route, after having been viewed out by said Viewers, and sanctioned by the Boards of Supervisors of said Counties of Mendocino and Humboldt, shall constitute a portion of the road entitled to appropriations, and required to be constructed and improved from the Road Fund, authorized by this Act, and in accordance with this Act.

Trinity.

SEC. 6. That portion of the poll-tax which shall be collected in Trinity County, and retained, in accordance with this Act, shall be applied to the construction and improvement of the road within Trinity County, to commence at the point to be designated, as provided in section five of this Act, and leading, in the most direct and practicable route, through Weaverville, and in the direction of Yreka, to the boundary-line which separates Trinity County from Siskiyou County.

Siskiyou.

SEC. 7. That portion of the poll-tax which shall be collected in Siskiyou County, and retained, in accordance with this Act, shall be applied to the improvement of that portion of the road, leading from Weaverville to Yreka, which traverses the County of Siskiyou.

Expended
for road.

SEC. 8. The Boards of Supervisors of the Counties named in this Act are hereby empowered, and required, to use and expend the funds, authorized by this Act to be retained, in their respective Counties, for the construction and improvement of the road, and portions of the road, within their respective Counties, designated in the preceding sections of this Act; to appoint Overseers; to contract for work to be done on said road, and portions of said road, within their respective Counties; and it is hereby made the duty of the Supervisors of the several Counties named in this Act to make appropriations from the Road Fund, created by this Act, for their respective Counties, and to provide for the carrying into effect the provisions of this Act, as early as practicable, having due regard to such portions of said road as most need to be constructed and repaired, and to such portions in the vicinity of which there are fewest persons residing, who are liable, under the general Road Laws, to perform labor on roads and highways; *Provided*, nothing in this section shall be so construed as to alter or vary the intent and meaning of sections two and three of this Act.

No other use.

SEC. 9. In no case shall the funds created by this Act, or any portion of said funds, be appropriated, or applied, for the improvement of any other road than the road, and portions of road, mentioned in this Act, or for any other purpose whatsoever.

CHAP. CCXCVI.—*An Act to provide for improving Navarra River.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The right to build a wharf at the mouth of Navarra River, in Mendocino County, to open the channel of the mouth of said river, so that scows or vessels can pass in and out thereof, and to construct moorings necessary for the anchorage of such vessels, with the right to charge wharfage, lighterage, and for mooring, is hereby granted to A. W. Macpherson, and those whom he may associate with him, and their assigns, for the period of twenty years. Authorized to build a wharf.

SEC. 2. Said wharf shall be built not to exceed one hundred feet in width, and beginning, as near as practicable at low-water-mark, shall extend outward, not more than eight hundred feet, and shall be completed in two years from the passage of this Act. Width.

SEC. 3. Said Macpherson, and such persons as he may associate with him, and their assigns, shall have the right to open the channel of the mouth of said river, so that scows or vessels can pass in or out of the same, and to establish all necessary moorings for the anchorage and safety of scows and vessels. Channel.

SEC. 4. In consideration of the building of said wharf and for opening the mouth of said river, and establishing said moorings, said Macpherson, his associates, and their assigns, shall have the right to charge wharfage, lighterage, and for mooring all vessels that may use the same. Wharfage.

SEC. 5. The Board of Supervisors of Mendocino County shall fix the rate of charges herein provided for wharfage, lighterage, and mooring vessels. Rate.

SEC. 6. Any and all vessels shall be equally entitled to use said harbor and its conveniences, by paying the rates of toll as fixed by the Supervisors of Mendocino County. For all vessels.

SEC. 7. A list of tolls chargeable at said harbor, shall be posted in some conspicuous place, near said wharves. List of tolls.

SEC. 8. Said Macpherson, and such persons as he may associate with him, shall incorporate themselves under the General Incorporating Act of this State, within six months after the passage of this Act, or the rights and privileges herein granted shall be forfeited. Incorporate.

CHAP. CCXCVII.—*An Act to confer further Powers upon the Board of Education, and the Treasurer of the City and County of San Francisco.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Authorized
to contract
loan.

SECTION 1. The Board of Education of the City and County of San Francisco are hereby authorized and empowered to borrow a sum of money, not exceeding sixty thousand dollars for a term not exceeding six years, at a rate of interest not exceeding fifteen per cent. per annum, such interest to be paid semi-annually; and to secure the payment of said principal sum, and the interest thereon, the said Board of Education are hereby authorized and empowered to execute a mortgage, or mortgages, upon so much of the property of the School Department of said City and County as may be necessary to secure the same; *Provided*, that the said sum of money so borrowed shall be paid into the treasury of said City and County, to the credit of the School Fund, and shall constitute a part of the same, and shall be appropriated and paid out upon the orders of said Board of Education, in the manner now provided by law for the payment of demands upon the School Fund, for the sole purpose of purchasing lots and erecting buildings thereon, and fencing and improving the same, for the use of the Public Schools of said City and County.

Payment.

SEC. 2. The said Board of Education shall order paid, the Auditor shall audit, and the Treasurer of said City and County shall pay, the said interest, semi-annually, as the same shall fall due; and they shall, further, on or before the first day of August, of each year, set apart, and so soon as the same is collected, cause to be paid, out of the School Fund of each year, a sum sufficient to pay the said interest, and such further sum, annually, as will, in the aggregate, pay the said principal sum, within said period of six years.

Mortgage.

SEC. 3. The said Board of Education shall designate the property to be mortgaged, and the property so designated, and none other, shall be subjected to such mortgage, and the Superintendent of Public Schools of said City and County, in his official capacity, shall execute all mortgages authorized by this Act; *Provided*, that all the expenses incurred thereby, and all the payment of principal debt, and interest, authorized by this Act, shall be made out of the School Fund of said City and County, as now constituted and defined by law, together with the said sixty thousand dollars.

In case of
neglect.

SEC. 4. In case said Board of Education shall neglect, or refuse, to pay the interest or principal of said debt, as herein before provided for, each year, it shall be the duty of the Treasurer of said City and County to appropriate and pay, out of the first money paid into the treasury to the credit of the School Fund, from school-tax of said City and County, the said semi-

annual interest, as it falls due, and the further sum of ten thousand dollars, or such other sum, annually, as will, in the aggregate, pay the said principal sum, within the said period of six years; and in default of the payments of said principal or interest, as herein provided, said mortgage or mortgages may be foreclosed, with like effect, and in the same manner, as is now provided by law for the foreclosure of mortgages upon real estate.

SEC. 5. It shall be lawful for the Treasurer, with the President of the Board of Education of said City and County, to advertise for thirty days, in two daily papers in the city of New York, and, also, in two daily papers in the City of San Francisco, for proposals for the redemption of the bonds, known as the School Bonds, issued by the corporate authorities of the City of San Francisco, and provided for by a Sinking Fund, as specified in the subdivision nine, section ninety-five, of an Act "To repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Governments thereof," passed April nineteenth, one thousand eight hundred and fifty-six, and to make report to the Board of Education, who shall, immediately thereafter, order paid the amount necessary to redeem the bonds so offered, and shall issue audited demands therefor, in the usual form, and the Auditor of said City and County is hereby authorized and required to audit, and the Treasurer of said City and County to pay the same, out of the Sinking Fund in his hands, heretofore and now provided by the said last-mentioned Act; *Provided*, the amount of such demands shall not exceed the money in the treasury, to the credit of said Sinking Fund.

Redemption
of bonds.

CHAP. CCXCVIII.—*An Act to improve the Navigation of San Antonio Creek, in the County of Alameda.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors of Alameda County, and their successors in office, are hereby constituted a Board of Commissioners, for the purpose of improving the navigation of San Antonio Creek, in Alameda County, with the powers, privileges, duties, and liabilities, hereinafter established.

Commission-
ers.

SEC. 2. The said Commissioners shall first cause to be submitted to them, plans, specifications, and estimates for the removal of obstructions to navigation at the mouth of San Antonio Creek, known as the Oakland Bar, and after having ascertained the most effectual and economical method of effecting the removal of said obstructions, the said Commissioners are authorized to adopt such plan, estimates, and specifications, and may open books, for the subscription of stock for the purpose of a fund for

Plans and
specification.

defraying the cost of the works to be constructed under this Act.

Proposals. SEC. 3. After an amount of stock equal to the sum set forth in the estimate adopted as the cost of the works shall have been subscribed, the said Commissioners may advertise for proposals for the construction of said works, and they shall accept the proposals of such persons, or parties, as shall give good security for the faithful performance of the specified work, at the lowest sum of money.

Treasurer to keep bonds. SEC. 4. All moneys paid in by the subscribers of stock for the purpose of a fund for the cost of works referred to in this Act, shall be paid to the treasurer of the County of Alameda, who shall be responsible for the faithful custody of the same, and who shall receive for such charge and disbursement three per cent. on the amount disbursed.

On order of Board. SEC. 5. The Treasurer shall not pay out any money received into the treasury, under the provisions of this Act, except upon the order of the Board of Commissioners, and he shall be responsible upon his official bonds for the faithful performance of his duties under this Act.

County not responsible. SEC. 6. The County of Alameda shall not be responsible for any debts or liabilities which the Commissioners created under this Act shall contract.

Tonnage. SEC. 7. The Board of Commissioners shall have authority to charge and exact tonnage-dues upon all vessels passing through said works not exceeding one-half of one cent. per ton for each and every time said vessel shall pass through the same; for the payment of which dues any vessel passing through the same shall be responsible in her hull, tackle, and furniture; *Provided*, no craft of a less burden than ten tons shall be required to pay any tonnage, and until the said works are completed, no charge whatever shall be made upon any craft passing the same.

May purchase when \$40,000 paid in. SEC. 8. Whenever the sum of forty thousand dollars shall be paid into the County treasury from any source, for the purpose of purchasing said works, referred to in this Act, and throwing them open to the public use, free of charge, it shall be the duty of said Commissioners to accept the same, and to make a *pro rata* distribution thereof among the stockholders, and throw open the said works to the public use, free of charge; *Provided*, that if the actual expenditure upon said works shall not amount to the sum of forty thousand dollars, the payment into the County treasury of the actual sum of money expended in the construction thereof, as shown by the contract for the same, shall be sufficient to authorize the Board of Commissioners created under this Act to declare the said works free for the public use, without charge.

Interest. SEC. 9. The stockholders in said works shall be entitled to an interest of one per cent. per month upon the amount of their contributions; *Provided*, the fund derived each month from the tonnage exacted upon vessels passing through the same, shall be sufficient to pay that rate of interest.

Surplus. SEC. 10. If, after paying the rate of interest mentioned in the preceding section, there shall remain a surplus of yearly income, such surplus shall remain as a fund for the purpose of redeeming said works; and when a sufficient amount shall accumulate from

such source to pay the expense of constructing the works, or which, together with the amount of private contributions may be sufficient, the said amount shall be paid over to the stockholders *pro rata*, and the said works shall thereupon be thrown open to public use, free of charge, and it shall not be lawful to exact tonnage-dues from vessels passing through the same.

SEC. 11. The privileges granted under this Act shall expire ^{Limitation.} within ten years from the commencement of the work; *Provided*, the works shall be commenced within one year from the passage of this Act. And if the said works shall not be commenced within one year, no rights shall accrue under this Act, nor shall any rights vest under this Act, unless the said works shall be completed within thirty months from the passage hereof.

CHAP. CCXCIX.—*An Act to authorize the Board of Supervisors of Yuba County to levy a Special Tax, for County Purposes.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Supervisors, in and for the County ^{Special tax.} of Yuba, are hereby authorized to levy, at their regular meeting, to be held on the first Monday of May, one thousand eight hundred and fifty-nine, and every year hereafter, at the time of levying State and County taxes, in addition to other taxes levied for County purposes, a special tax, as follows: the sum of two dollars upon each male inhabitant of the County of Yuba, not by law exempt from poll-taxes; and a sum not exceeding twenty cents upon each one hundred dollars' worth of all the taxable property, real and personal, in said County; and such poll and property-taxes to be levied and assessed, under this Act, shall be assessed and collected as are other poll and property-taxes for State and County purposes, and shall be paid as other taxes. The money collected under the provisions of this Act shall be held and used for the payment of the current expenses of the County, other than the annual or *per diem* salaries, and the fees of County officers.

SEC. 2. Said Board of Supervisors shall cause to be prepared ^{Blank receipts.} so many proper blank receipts, for poll-taxes, as may be necessary to carry out the provisions of this Act, and the Clerk of the Board shall sign the same, and make entry thereof in a book, to be by him kept for that purpose, and shall, from time to time, deliver to the Treasurer of said County so many of such executed receipts as may be required; and said Treasurer shall sign the same, and make an entry thereof in a book, to be by him kept for that purpose; and on or before the first Monday of March, of each year, issue to the officers authorized to collect poll-taxes so many of such executed receipts for poll-taxes as may be needed; and such officer shall give a receipt to the Treasurer for

the same, and he shall be charged with the same, and held accountable therefor; *Provided*, that the receipts so authorized to be issued by this section, may be issued to the officer authorized to collect the poll-tax for the present year, at any time before the first day of July next.

Deliver
receipt.

SEC. 3. Whenever any officer shall collect any poll-tax, under this Act, he shall deliver such receipt, so received from the Treasurer, to the party paying such tax, and for any neglect so to do, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by imprisonment in the County-jail, not exceeding one [year], or by fine, not exceeding five hundred dollars, or by both fine and imprisonment.

Settlement.

SEC. 4. The officer authorized to collect poll-taxes shall make settlements for such receipts received by him, and pay over any money collected by him, under this Act, at the same time, and in the same manner, as required by law in relation to other poll-taxes, for State and County purposes, and his powers and compensation, under this Act, shall be the same as, by law, provided in relation to other poll-taxes for State and County purposes.

Fund.

SEC. 5. The money collected and paid, under the provisions of this Act, shall be paid into the "Fund for Current Expenses," and shall be paid out, exclusively, for necessary County expenses, accruing during the year commencing the first day of July next, and annually thereafter; and all orders drawn on the said Fund shall distinctly specify the liability for which they are drawn, and when it accrued, and shall be paid in the order of presentation to the County Treasurer; and if there be not sufficient money, in the said "Fund for Current Expenses," to pay all such orders drawn during the year, then the balance shall be paid in the same manner as the present outstanding warrants. If, at any time, there shall be a surplus of money remaining in said "Fund for Current Expenses," it shall be lawful for said Board of Supervisors to order so much of said surplus money as they may deem advisable to be transferred and paid into the General Fund, and be applied to the payment of outstanding County warrants, in the manner required by law.

Additional
bonds.

SEC. 6. Said Board of Supervisors are hereby authorized to require, of the officers having the collection and disbursement of the Fund arising under this Act, such additional bonds, with sufficient sureties, as said Board may deem expedient and proper.

CHAP. CCC.—*An Act to grant the right to construct and maintain a Dam and Lock across, and in, Napa Creek.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. William H. James, and such other persons as he may associate with him, are hereby authorized and empowered

to construct and maintain, a dam and lock, across, and in, Napa Creek, at or near Suscol, in Napa County, and the right to construct and maintain said dam and lock, across and in said Creek, at or near Suscol, is hereby granted to the said William H. James, and his associates, for the period of fifteen years from the passage of this Act; and the said James, and his associates, shall incorporate themselves, under the general laws of this State regulating corporations, within nine months from the passage of this Act.

SEC. 2. The said James, and his associates, shall commence the construction of the said dam and lock within one year from the passage of this Act, and shall complete the same within two years; otherwise, the right to construct the same shall be forfeited, and this Act shall be absolutely void.

SEC. 3. The said dam and lock shall be constructed of stone and cement, except the doors, and they shall be constructed of durable timber, all to be built in a substantial manner, and in accordance with specifications that shall be adopted and approved by the Board of Supervisors of said County of Napa, and shall be of sufficient height to hold and keep the water above said lock to allow the ordinary navigation of said Creek to be carried on at all times, and at least as high as ordinary high-tide, and shall be at least fifty feet wide, and of sufficient length to allow all boats navigating said stream to pass; said dam and lock shall always be kept in good working-order and condition, and the said James and his associates shall keep the said Creek, above the said dam and lock, in good boating-order, as far as the deposits of sand and sediment may obstruct the same in consequence of the erection of said dam and lock. And the said James and his associates shall employ a sufficient force, to be in constant attendance at said lock, for the purpose of allowing and assisting boats to pass without unnecessary delay, and they shall be required to keep the water above said dam and lock, high enough to allow the ordinary navigation of said Creek, at all times, and at least as high as two-thirds the ordinary high-tide. And any damage that may accrue, by reason of negligence or inattention to the duties as prescribed in this Act, shall be at the cost of the owners of said dam and lock, to be recovered by an action in any Court of competent jurisdiction.

SEC. 4. Said James, and his associates, shall have power to demand and collect such rates of toll as may be fixed or assessed, annually, by the Board of Supervisors of said County of Napa, whose duty it shall be, annually, to fix or assess the rates of toll on all classes of vessels passing through said dam and lock; *Provided*, that the rates of toll assessed on said vessels shall not exceed two cents per ton, registered tonnage; *Provided*, that the Legislature, may, at all times modify or change the rates of toll so fixed or assessed by the said Board of Supervisors. And at the expiration of fifteen years, from and after the passage of this Act, the said franchise, together with said dam and lock, shall revert to the said County of Napa, for its use and benefit. And the said James, and his associates, shall post the rates of toll in some conspicuous place at said dam and lock.

CHAP. CCCI.—*An Act supplementary to, and explanatory of, "An Act entitled an Act making Certificates of Purchase, or of Location, Evidence of Title," approved April thirteenth, eighteen hundred and fifty-nine.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Lands
exempted.

SECTION 1. No certificate of purchase, or location, mentioned in the Act to which this Act is explanatory and supplemental, shall affect the right, title, or possession, of any party in adverse possession of any lands at the date of location, or the date of filing a pre-emption claim, for which the certificate of purchase, or location, is issued, nor shall said certificate of purchase or location, be so construed as to affect the working of mineral lands, for mining purposes.

CHAP. CCCII.—*An Act for the Relief of William A. King, County Treasurer of Mariposa County.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

\$7,597.

SECTION 1. The Controller of State is hereby authorized and directed, in his next settlement with William A. King, County Treasurer of Mariposa County, to give him, as Treasurer of said County, a credit for the sum of seven thousand five hundred and ninety-seven dollars, belonging to the State; said sum having been stolen from the said William A. King, Treasurer aforesaid, on the fifteenth day of July, eighteen hundred and fifty-eight. And the said William A. King, as such County Treasurer, is hereby acquitted and relieved from paying said sum of seven thousand five hundred and ninety-seven dollars, aforesaid.

CHAP. CCCIII.—*An Act to empower M. G. Vallejo to convey certain Real Estate.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. That Mariano G. Vallejo be, and he hereby is,

authorized to remise, release, and quit-claim, or bargain, sell, and convey, to such purchaser, or purchasers, and for such price, or prices, and upon such terms as he shall think proper, all the right, title, and interest, estate, claim, or demand, which his son, Uladisloe Vallejo, a minor, now has, or at any time hereafter may have, or claim, or demand, of, in, and to, that certain piece or parcel of land, situated at the town of Napa City, in the County of Napa, being six hundred yards square, which was conveyed by Salvador Vallejo to Thomas and Guadalupe Soberanes, by deed, bearing date on the twenty-seventh day of June, A. D. eighteen hundred and forty-nine, and recorded in Book C of the Records of Sonoma County, pages two hundred and eighty-eight and two hundred and eighty-nine; *Provided*, such sale, or sales, shall be approved by the Probate Court of Napa County, before the execution of any deed, or deeds, to the purchasers; *And provided, further*, that said M. G. Vallejo shall give bond, justified to in double the amount of the appraised value of the said property, to be approved by the Probate Judge of said County, before any such sale is approved of.

Authorized
to sell real
estate.

CHAP. CCCIV.—*An Act to further define the Duties of State-Printer.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. It is hereby made the duty of State-Printer to publish, prefixed to each volume of the Laws passed at each session of the Legislature, the names, and place of residence, of the Governor, Lieutenant-Governor, Senators, and Representatives in the Legislature, and presiding officers of the Senate and Assembly, in office at the time of the passage of the Laws contained in such volume; and, also, the names and places of residence of Commissioners of the State of California, residing out of the State, and in office at the time of such publication.

Officers of
Government.

SEC. 2. The State-Printer shall furnish, to all citizens who may apply therefor, a copy of the Laws of the present session of the Legislature, at a price not exceeding three dollars for bound copies, and two dollars for unbound.

Price of
statutes.

CHAP. CCCV.—*An Act ceding Jurisdiction to the United States over Certain Lands.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Jurisdiction. SECTION 1. Jurisdiction is hereby ceded to the United States over any such tract or tracts of land at or near Lime Point Bluff, on the northern side of the Harbor of San Francisco, as may be ac[re]quired by the United States for the purpose of military defence, and over all the contiguous shores, flats, and waters, within five hundred yards from low-water-mark; *Provided*, that this State shall retain a concurrent jurisdiction with the United States, in and over the premises in question, so far as that all civil processes, not incompatible with the full constitutional authority of the United States, and criminal process as may lawfully issue under the authority of this State, against any person or persons charged with crimes committed without the premises aforesaid, may be executed therein, in the same way and manner as if jurisdiction had not been ceded as aforesaid, except so far as such process may affect the real or personal property of the United States.

Exonerated from taxes. SEC. 2. The premises over which jurisdiction is ceded by this Act, and all structures and other property thereon, belonging to the United States, shall be exonerated and discharged from all taxes and assessments which may be laid or imposed under the authority of this State, while said premises shall remain the property of the United States, and shall be used for the purposes intended by this Act.

Take effect. SEC. 3. This Act shall take effect from and after its passage.

CHAP. CCCVI.—*An Act for the Relief of T. W. Blake, William B. Olmstead, H. W. Anderson, C. R. Rice, and the Administrator of John Cole, deceased.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

\$989 65. SECTION 1. The sum of nine hundred and eighty-nine dollars and sixty-five cents, of any money in the State treasury not otherwise appropriated, is hereby appropriated and set apart to pay F. W. Blake, William B. Olmstead, H. W. Anderson, C. R. Rice, and the Administrator of John Cole, deceased, sureties of C. F. Lynn, Ex-County Treasurer of Trinity County, said sum being amount of a just set-off which said sureties are entitled to

have against a judgment obtained by the State against said sureties, and paid off by them.

SEC. 2. The Controller of State is hereby authorized and Warrant. directed to issue to said Blake, Olmstead, Anderson, Rice, and the Administrator of John Cole, deceased, their agent, or assigns, his warrant upon the State Treasurer for the sum of nine hundred and eighty-nine dollars and sixty-five cents, upon filing with said Controller the orders of the Board of Supervisors of Trinity County, allowing D. W. Patten, Assessor, and J. W. Jaynes, Deputy Assessor of said County, said sum for the State's portion of Assessor's fees for assessments made in the year eighteen hundred and fifty-six.

CHAP. CCCVII.—*An Act to authorize the Courts of Record of this State to admit E. G. Browne to Practice as an Attorney and Counselor-at-law.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. It is hereby made lawful for any, or all, of the Courts of Record of this State, to admit E. G. Browne to practice as an attorney or counselor-at-law, in the same manner as though he were a citizen of the United States and of this State. Admitted to practice.

CHAP. CCCVIII.—*An Act for the Relief of Hiram McLaughlin.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Mayor and Common Council of the City of Los Angeles, are hereby authorized and empowered to release, discharge, and acquit Hiram McLaughlin from any and all liability, obligation, and responsibility, as a surety upon the official bond of Wm. C. Getman, deceased, filed by the said Getman, as Marshal of the City of Los Angeles. Released from liability.

CHAP. CCCIX.—*An Act to abolish the Office of Public Administrator, in and for the Counties of Tuolumne and Santa Barbara.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Act repealed. SECTION 1. An Act concerning the office of Public Administrator, and making it elective, passed April fifteenth, one thousand eight hundred and fifty-one, and the several Acts amendatory and supplementary thereto, so far as the same relate to the Counties of Tuolumne and Santa Barbara, are hereby repealed.

District-Attorney to petition. SEC. 2. Whenever any resident of the Counties of Tuolumne, or Santa Barbara, dies possessed of any property, and no person applies to the Probate Court for letters of administration, entitled thereto by law, it shall be the duty of the District-Attorney to petition the Probate Court for letters of administration, to any legally qualified person, in the discretion of the Court, which person shall give such bonds for the faithful performance of his duties, as is required by law.

Compensation. SEC. 3. The District-Attorney shall receive such compensation for the performance of duties prescribed in this Act, as the Probate Court may deem just.

Take effect. SEC. 4. This Act shall take effect, on and after the first day of October, A. D. one thousand eight hundred and fifty-nine.

CHAP. CCCX.—*An Act to amend an Act entitled "An Act to incorporate the Town of Petaluma," approved April twelfth, one thousand eight hundred and fifty-eight.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of the above-entitled Act is hereby amended so as to read as follows:

City officers. Section six—There shall also be elected, at each annual election of the City of Petaluma, a Recorder, Treasurer, Assessor, Marshal, and Street Commissioner, who shall hold office for one year, and until their successors are elected and qualified. The Marshal shall be Collector of all taxes levied by the Board, and the Trustees shall have power to remove all officers appointed by them, at pleasure. They, (the said Trustees,) shall have power to prescribe the duties and fix the compensation of all City officers not herein provided, and fill, by appointment, all offices becoming vacant by death, resignation, or otherwise, till the next general election; *Provided*, the said Street Commissioner shall not receive more than three dollars per day for the

time actually employed; his bills to be approved and audited by the Trustees, as other bills are against the City.

SEC. 2. Section ten of said Act is hereby amended so as to read as follows:

Section ten—The Board of Trustees shall not contract any liabilities, either by borrowing money, loaning the credit of the City, or contracting debts, which, singly or in the aggregate with any previous debts or liabilities, shall exceed the sum of five hundred dollars over and above the amount in the treasury, and one-half the amount of the estimated revenue then due the City. Board of Trustees.

CHAP. CCCXI.—*An Act to provide for Fixing the Commencement of the Terms of Office in the County of Butte.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Sheriff, Treasurer, County Clerk, Recorder, Until 1860.
Assessor, Surveyor, District-Attorney, Supervisors, and Superintendent of Common Schools, of the County of Butte, shall continue to hold their respective offices until the first Monday in January, A. D. one thousand eight hundred and sixty, and until their successors are elected and qualified.

SEC. 2. The Sheriff, Treasurer, County Clerk, Recorder, As- Enter upon office.
sessor, Surveyor, District-Attorney, Supervisors, and Superintendent of Common Schools, hereafter to be elected in the County of Butte, shall enter upon the discharge of the duties of their respective offices on the first Monday of January after their election, and shall hold their several terms of office, commencing from such first Monday in January.

CHAP. CCCXII.—*An Act to amend an Act entitled an Act concerning Hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba, and Santa Clara, approved April twenty-first, eighteen hundred and fifty-six.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section nine of the above-entitled Act is hereby amended so as to read as follows:

Section nine—Any Constable refusing or neglecting to pay to the owners, or the County Treasurer, the surplus money derived Penalty for neglect.

from such sale, shall be liable for the same, on his official bond, and shall be deemed guilty of a misdemeanor, and upon a conviction thereof, shall be punished by fine, not exceeding one hundred dollars; *Provided*, that the provisions of the foregoing Act shall not apply to any hogs belonging to any inhabitant of the County of Sonoma, living in the vicinity of the boundary dividing Sonoma and Marin Counties, which may voluntarily wander into Marin County, unless such hogs are found trespassing upon grounds in Marin County, inclosed by such a fence as is declared lawful as against hogs in Sonoma County.

CHAP. CCCXIII.—*An Act to provide for the Issuance of Patents to Lands located with State School-land Warrants, and for Lands purchased under the Act of April twenty-third, one thousand eight hundred and fifty-eight.*

[Approved April 16, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Patents to be
issued.

SECTION 1. In all cases where school-land warrants have been issued, in pursuance of the Act approved May third, one thousand eight hundred and fifty-two, entitled "An Act to provide for the disposal of the five hundred thousand acres of land donated to this State for School purposes, by Act of Congress, approved April fourth, one thousand eight hundred and forty-one," and the same shall have been, or may be, hereafter located upon any of the public lands within this State, subject to such location, and in conformity with the provisions of said Act, or of an Act approved April thirtieth, one thousand eight hundred and fifty-seven, providing for the location and patenting of school lands, or where parties have purchased lands under the Act of April twenty-third, one thousand eight hundred and fifty-eight, and obtained the certificate of purchase of the Register of the State Land Office, the holder of such warrant, or certificate of purchase, his, her, or their heirs or assigns, upon complying with the provisions of this Act, shall be entitled to receive a patent, from the State, for the lands thus located, or purchased. In all cases where school-land warrants, issued in pursuance of the Act of May third, one thousand eight hundred and fifty-two, have been located upon lands in the manner required by the circular of the General Land Office, of August sixth, one thousand eight hundred and fifty-seven, in relation to selections of school lands, the location shall be deemed to have been made in pursuance of said Act of May third, one thousand eight hundred and fifty-two.

Evidence.

SEC. 2. The holder of a warrant or certificate of purchase, desiring a patent, shall be required to produce to the Register of the State Land Office, proper evidence to show:

First—That such warrant has been located, in conformity with

the provisions of the Act under which the same purports to have been located.

Second—That the lands have been duly surveyed by authority of the United States Government, and the plats of such survey have been approved by the Surveyor-General, and that the location conforms to such survey.

Third—That the location of such warrant has been made or filed in the United States Land Office, for the District in which the land is situated, and the location made with the consent of the Register and Receiver of such Land Office, and at least ninety days have elapsed since said location, or if said applicant holds a certificate of purchase, he shall prove to said Register that the lands have been purchased in accordance with the Act of the twenty-third April, one thousand eight hundred and fifty-eight, and that the purchase-money, and all interest due thereon, has been fully paid, and that notice of such application has been made by publication in a public newspaper, published within the county in which such lands are situated, for at least four weeks next preceding such application, or if no newspaper is so published, then by written notices, posted in two conspicuous places on the lands so applied for, and one on the Court-house door of the County, and upon such proof of the foregoing facts, all persons holding adversely may be entitled to appear before the Register and contest the application for such patent. This section shall be construed to authorize and permit purchasers to pay in cash for lands purchased under the Act of the twenty-third of April, one thousand eight hundred and fifty-eight.

SEC. 3. Upon the production of the evidence, required in section two of this Act, the Register of the State Land Office shall issue, to the applicant, his certificate of the proper location of such warrant upon the tract, or tracts, of land described in such location, or, if the holder of a certificate of purchase, that all the principal and interest due thereon has been paid, and that the applicant is entitled to receive a patent for the lands described in the location of said warrant, or in said certificate of purchase; but no such certificate shall issue, until the warrant, or certificate of purchase, upon which the same is to be issued, shall be surrendered to said Register. Certificate of location.

SEC. 4. Upon the production of the certificate of the Register of the State Land Office, as provided in section three of this Act, the Governor of the State shall issue a patent, to the purchaser entitled thereto, for the lands described in said certificate, which shall be signed by him, and countersigned by the Register of the State Land Office, and he shall affix the seal of his office thereto; such patent shall vest in the grantee, therein named, a good and valid title, in fee-simple, to the lands therein described. Patent.

SEC. 5. All warrants, or certificates of purchase, surrendered under the provisions of this Act, shall be canceled by the Register, by writing on the face thereof "canceled," and shall note the lands upon which the same have been located, and by whom, and shall also note upon the official plats in his office the lands thus selected. The warrants or certificates of purchase thus canceled shall be kept on file in the office of said Register of the State Land Office. The land thus patented shall be deemed to be Canceled.

in part satisfaction of the grant of the five hundred thousand acres of land donated to this State for school purposes, by Act of Congress.

Fees. SEC. 6. The Register may charge, and receive, for issuing the certificate required by section three of this Act, the sum of three dollars.

Repealing clause. SEC. 7. All Acts, and parts of Acts, conflicting with the provisions of this Act, are hereby repealed.

Lands exempted. SEC. 8. Nothing in this Act shall be construed so as to authorize or confirm the location or purchase of any of the mineral, swamp, or overflowed lands in this State, as school lands.

CHAP. CCCXIV.—*An Act amendatory of an Act entitled "An Act to provide for the Sale and Reclamation of the Swamp and Overflowed Lands of this State," approved April twenty-first, one thousand eight hundred and fifty-eight.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of this Act is hereby amended so as to read as follows :

File an affidavit.

Section two—Any person who is, or may be, entitled, by the laws of this State, to become a citizen thereof, wishing to purchase land under the provisions of this Act, shall file an affidavit in the office of the County Surveyor of the County in which the land sought to be purchased, or the larger portion thereof, is situated, that he has not purchased any other land under the provisions of this Act, or under the provisions of an Act passed April twenty-eighth, one thousand eight hundred and fifty-five, entitled "An Act to provide for the sale of the swamp and overflowed lands belonging to this State," which, with the lands sought to be purchased, shall exceed six hundred and forty acres; and that he or she has no knowledge of any other legal or equitable claim than his own; and that every forty-acre lot, or its equivalent subdivision, of the land sought to be purchased, is the greater part swamp or swampy, or subject to inundation at the planting, growing, or harvesting seasons, so as to endanger, injure, or destroy, the crops, taking the average season for a reasonable number of years, prior to the year one thousand eight hundred and fifty, as a rule of determination. He shall then cause the land sought to be purchased, to be surveyed, or, in case of a previous legal survey, shall cause said survey to be approved and certified by the County Surveyor of the County in which such land, or the greater portion thereof, is situated.

SEC. 2. Section four of said Act is hereby amended so as to read as follows :

\$1 per acre. Section four—The purchaser of land, under the provisions of

this Act, shall, within thirty days after the record of the approval of the Surveyor-General, as aforesaid, and upon presentation of such plot and field-notes, for record, approved by the Surveyor-General, as aforesaid, pay to the County Treasurer of said County, one dollar per acre, for all land contained in such survey, which may be paid in money, and take said Treasurer's duplicate receipt for the same, and have such receipt recorded in the office of the County Auditor, immediately upon the receipt of the same, and it shall be the duty of the County Auditor to transmit a copy of said receipt, to the Register of the Land Office, as soon as it is recorded in his office.

Any person, or persons, however, wishing to purchase lands under the provisions of this Act, may, if preferred by such purchaser, or purchasers, pay twenty per cent. of the principal, and ten per cent. interest, per annum, on the balance, yearly in advance, for the term of five years; said twenty per cent. of the principal and first year's interest on the balance to be paid at the time, and in the manner, as above provided for payment in full; *Provided*, that if any person, or persons, purchasing lands upon said credit of five years, shall fail, or neglect, to pay twenty per cent. and first year's interest, within thirty days from record of approval of the Surveyor-General by the County Surveyor, or shall fail to pay the interest yearly in advance, or shall fail to pay the principal within the said term of five years from date of purchase, such neglect, or failure, shall work a forfeiture of such lands and the partial payments made, and the same shall be re-sold, as if no purchase had been made. Interest, in all cases, shall be computed from the date of the approval of the Surveyor-General, of the survey, which shall be held to be the date of purchase. And all persons purchasing lands, shall, at the time of making their first payment, pay to the County Treasurer the fee allowed by law for a certificate of purchase; said fee to be subject to the order of the Register of the State Land Office.

20 per cent.
of principal,
with interest

Sec. 3. Section eight is hereby amended so as to read as follows:

Section eight—No person shall become the original purchaser, as aforesaid, under the provisions of this Act, of more than six hundred and forty acres, and the same must be taken in quarter-sections, according to the United States survey, except as hereinafter provided, for the protection of actual settlers; where such location is impracticable, or where smaller subdivisions are found necessary, in order to make up six hundred and forty acres, or the number of acres sought to be purchased, and so certified by the County Surveyor, then, and in that case, the next legal subdivision, or fractional section, may be taken; *Provided*, the whole does not exceed six hundred and forty acres, or measure more than one-half mile front, on any bay or navigable stream.

Not more
than 640
acres.

Sec. 4. Section nine is hereby amended so as to read as follows:

Section nine—Any person, or persons, having, or holding, a settler's claim, under the laws of this State for the protection of settlers, or having, or holding, a claim by right of actual possession, or having, or holding, a claim by survey and location, to

Settler's
claim.

any swamp lands, excepted from the provisions of the Act entitled "An Act to provide for the sale of the swamp and overflowed lands belonging to this State," passed April twenty-eighth, one thousand eight hundred and fifty-five, upon any of the swamp and overflowed lands embraced within the provisions of this Act, shall be protected in his, her, or their possession, according to the boundary-lines of said possession, or location; *Provided*, that he, she, or they, shall, within twelve months from and after the passage of this Act, comply with all the other requirements of purchasers, under the provisions of this Act; *Provided, further*, that the said claim shall not exceed six hundred and forty acres, or measure more than one-half mile front, by legal subdivision, on any bay, lake, or navigable stream.

SEC. 5. Section ten of said Act is hereby amended so as to read as follows:

In case of
contest.]

Section ten—In all cases where a contest for the certificate of purchase, or other evidence of title, to the same tract of land, shall arise before the Register, when such contest is purely as to the survey, the Register shall determine the same, according to the facts, and issue his certificate therefor, to the person whom he shall determine to be entitled thereto. Whenever, in the judgment of the Register, a question of law alone, or of law and fact, is involved in such contest, or when either party shall demand a trial of such questions in the Courts of the State, said Register shall enter such judgment, or demand, of either of the parties, in the record of the proceedings had before him, together with a direction that the parties to such contest are referred to the Courts of the State for a legal determination of said contest, or conflicting claim. Either party to such contest may bring his action in the District Court of the County in which the land in dispute is situate, to determine such conflicting claim, and the proffer of a certified copy of said entry made by the Register, and upon service and return of process, as in other civil cases, shall give to said District Court full and complete jurisdiction to hear, try, and determine, said conflicting claim. Upon filing with the State Register a certified copy of the final judgment or decision of said District Court, said State Register shall issue his certificate, or other evidence of title, in accordance with such decision. For services to be rendered by the Receiver, as prescribed by this Act, he shall be entitled to demand and receive, as a fee, the sum of ten dollars, in each case, to be deposited, equally, in advance, by the parties contesting, and on the filing, hearing, or termination, of such contest, when finally determined by him—or on certifying the proceedings had by him, as aforesaid, it shall be lawful for him to assess equally, in whole or in part, the above sum to either of the parties contestant, and for each certificate of purchase or patent he shall be entitled to demand the sum of five dollars.

Taxable.

SEC. 6. All lands purchased under the provisions of this Act shall be held to be taxable from and after date of purchase.

CHAP. CCCXV.—*An Act amendatory of, and supplementary to, an Act to provide Revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section second of an Act entitled an Act to provide revenue for the support of the Government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, is hereby amended so as to read as follows : Property taxable.

Section second—All property, of every kind and nature whatever, within this State, shall be subject to taxation, except :

First—All lands, and lots of grounds, with buildings, improvements, and structures thereon, belonging to the State, or to any Municipal Corporation, or to any County of the State, and all lands belonging to the United States, or to this State, and all buildings and improvements belonging to the United States, or to this State. Exempt.

Second—Court-houses, Jails, Town-halls, Council-chambers, Market-houses, belonging to any County, or Municipal Corporation, houses occupied by Fire-companies, and their apparatus, and other public structures and edifices, and all squares and lots kept open for health or public use, or for ornament, belonging to any County, City, Town, or Village, in this State.

Third—Colleges, school-houses, and other buildings for the purpose of education, with their furniture, libraries, and all other equipments, and the lots, or lands, thereto appurtenant, and used therewith, so long as the same shall be used for that purpose, unless the same are private property, from which a rent or valuable consideration for their use is derived ; in which latter case they shall be taxed as other property.

Fourth—Public hospitals, asylums, poor-houses, and other charitable or benevolent institutions for the relief of the indigent and afflicted, and the lots, or lands, thereto appurtenant, with all their furniture and equipments, so long as the same shall be used for that purpose only, and without pecuniary gain.

Fifth—Churches, chapels, and other buildings for religious worship, with their furniture and equipments, and the lots of ground appurtenant thereto, and used therewith, provided rent is not paid for such ground, so long as the same shall be used for such purpose only, without yielding rent.

Sixth—Cemeteries, and grave-yards, set apart and used for the purpose of interring the dead.

Seventh—The property of widows, or orphan children, to the amount of one thousand dollars.

Eighth—Growing crops.

Ninth—Mining-claims.

In all cases where property, other than growing crops, or mining-claims, is claimed as exempt from taxation, under the

provisions of this section, by any person, association, or corporation, except the United States, or the State of California, such person, association, or corporation, in order to entitle himself, or themselves, to the benefit of such exemption, shall make a statement in writing to the Tax-Collector, setting forth the property claimed to be exempted, by whom such property is owned, and the reason for such exemption. Such statement shall be verified by the oath of the person claiming such exemption, or of some person on his behalf; and where the statement is made by an association, or corporation, it shall be verified by the oath of some person on behalf of said association, or corporation. The Tax-Collector, or any of his Deputies, are hereby authorized and empowered to administer such oath, and to prescribe the form thereof, without charge. Such statement, in writing, duly verified, as aforesaid, shall be delivered to the Tax-Collector, prior to the third Monday of October, in each year.

SEC. 2. Section third of said Act is hereby amended so as to read as follows :

Property of
Corporations

Section third—Between the first Monday in February and the second Monday in March, in each year, every person, corporation, association, company, or firm, owning, claiming, or having any interest in, or having the possession, charge, or control, of any real estate, or any personal property, situate or being within the County, shall deliver to the City and County Assessor, at his office or place of residence, a statement, under oath, of all the real estate or personal property within the County, owned or claimed by such person, firm, corporation, association, or company, or which is in the possession, or under the control of such person, firm, corporation, association, or company. Said statement shall contain a description of the real estate owned or claimed by such person, corporation, association, or firm, or in which said person, corporation, association, or firm, has, or claims to have, any interest, or which is under the possession, charge, or control, of such person, corporation, association, or firm, and the cash value thereof, the name of such person, corporation, association, or firm; the cash value of all the personal property, and a description thereof, under the following classification and definition :

First—All household and kitchen furniture; all law, medical, and miscellaneous libraries.

Second—All stocks of goods on hand; all goods, wares, merchandise, and chattels, of every description.

Third—All money on hand, or on deposit in bank, or banks, or with individuals; and all gold-dust.

Fourth—All horses, mules, oxen, cows, calves, beef-cattle, hogs, sheep, goats, jacks, and jennets, and cattle of every description, wagons, carriages, and all other vehicles, whether for use, pleasure, or hire.

Fifth—All machines, or machinery, and all works, and improvements, not fixed to the soil, and not included in the term real estate, as defined in this Act.

Sixth—All storeships and hulks, all steamers, vessels, and water-craft, of every kind and name, either owned in whole, or

in part, by a resident, or residents, of the State, or registered in this State, or navigating the waters of any river or bay within this State, or having a general depot, or terminus, within this State, giving the name and value, separately, of each of such storeships, hulks, steamers, vessels, and water-craft.

Seventh—The capital stock of all corporations, companies, associations, firms, or individuals, doing business, or having an office in the State.

Eighth—All other property, not real-estate, which is not otherwise taxed.

Every such statement shall be signed and verified by the person making such statement, or by his agent, or by some member of the association, company, or firm, making such statement, or by the President, (or other head,) Cashier, Secretary, or Managing Agent, of the corporation making such statement. In all cases where such statement is made, and sworn to, the oath of the person making such statement, shall state, in substance, that the person, corporation, association, company, or firm, making the statement, or in whose behalf such statement is made, has no property, of any kind or nature, situate or being within the County, other than the property included in such statement; that such person, corporation, association, company, or firm, has not the possession, charge, or control, of, or any interest in, any property, whether real, personal, or mixed, situate, lying, or being within such County, other than the property mentioned and described in such statement; that said statement is a full, true, correct, and complete statement of all of the different kinds of property owned, or claimed, by such person, corporation, association, firm, or company, situate, lying, or being within said County, or in the possession, charge, or control of such association, corporation, firm, or company; that the value of such property, and of each and every kind thereof, given in said statement, is true, to the knowledge of the person making such oath. Said oath may be administered by the Assessor, or any Deputy Assessor, of the proper County, or by any Notary Public, District Judge, or Clerk of a Court, having a seal. Such statement, and the valuation of the personal property made therein, shall be final and conclusive, in regard to the personal property therein described; *Provided*, such statement is made in the time herein provided, and in strict conformity to the provisions of this Act. But such statement shall not be final and conclusive in regard to real estate, or the value of real estate; *Provided*, that the statement for the fiscal year, ending June thirtieth, eighteen hundred and sixty, may be made and given to the Assessor any time before the first Monday of June, eighteen hundred and fifty-nine.

Between the second Monday in March and the first Monday in August, in each year, the City and County Assessor shall ascertain, by diligent inquiry and examination, the names of all persons, corporations, associations, companies, or firms, owning, claiming, or having the possession, charge, or control, of any real estate, or personal property, situate or being within the County, and the full cash value of all such real estate, and personal property, and he shall list or assess all such real estate, and personal property,

to the person, firm, corporation, association, or company owning it, or having the possession, charge, or control of it, if known to him. In all cases, where such person, firm, association, company, or corporation, has neglected, or failed, from any cause, to give to the Assessor the statement, under oath, in the time and manner provided for in this section, it shall be the duty of the Assessor to make an approximate estimate of the value of the personal property situate, lying, or being within the County, owned or claimed by such person, firm, association, company, or corporation, or in the possession, charge, or control, of such person, firm, association, company, or corporation, taking care that the revenue of the State shall not be diminished in consequence of any neglect or failure to give a statement, under oath; and the estimate made by the Assessor shall be final and conclusive, so far as personal property is concerned.

It shall also be the duty of the Assessor to make an approximate estimate of the value of all real estate, lying or being within the County, whether the same be included in any statement, under oath, made according to the provisions of this section or not, and the estimate so made, by the Assessor, shall be final and conclusive, in regard to all real estate, and improvements on public lands, unless such estimate is altered by the Board of Equalization; *Provided*, all real estate, and personal property, shall be assessed to a person, firm, corporation, association, or company, as herein provided, if any owner or claimant shall be known to the Assessor, and to all owners and claimants, known or unknown, and to all owners and claimants of any interest, present or future therein, or any lien upon the same, and no error in regard to such owner or claimant shall in anywise affect the validity of such assessment.

SEC. 3. Section four of said Act is hereby amended so as to read as follows:

List and
index.

Section four—It shall be the duty of the Assessor to prepare a tax-list, or assessment-roll, of real estate, with an alphabetical index connected therewith, in a well-bound book, or books, in which book, or books, shall be listed, or assessed, all the real estate within the City and County; and in the said book, or books, he shall set down, in separate columns:

First—The names of all inhabitants taxable for real estate.

Second—All real estate taxable to each, giving the metes and bounds, or describing the lots, or fractions of lots, by number or otherwise, in any City or incorporated Town, and giving the quantity of acres, as near as possible, of each tract outside such City or Town, and the locality and Township where it is situated; *Provided*, that whenever two or more parties claim, or give in a description of, the same land, it shall be assessed to each party making such claim, or giving such description.

Third—The cash value of the same.

Fourth—The Assessor shall, also, in another book, make a map, or plan, of the various blocks within any incorporated City or Town, when directed so to do, by the Board of Supervisors of the County in which such Town or City is situated, and shall mark thereon the various subdivisions, as they are assessed, and in each subdivision he shall mark the names of the persons to

whom it is assessed; *Provided*, that in the City and County of San Francisco the form of the tax-list, or assessment-roll, shall be such as may be directed by the Board of Supervisors.

It shall be the duty of the Assessor to prepare a tax-list, or assessment-roll, of personal property, alphabetically arranged, in a well-bound book, or books, in which book, or books, shall be listed, or assessed, all the personal property within the City and County; and in the said book, or books, he shall set down, in separate columns:

First—The names of all inhabitants taxable for personal property.

Second—All personal property taxable to each, under the classification provided for in section second of this Act; *Provided*, that all storeships and hulks, all steamers, vessels, and water-craft, of every kind and name, may be listed, or assessed, in the alphabetical order of the names of such storeships, hulks, steamers, vessels, and water-craft, instead of the order of the names of their owners, and in a separate book, at the discretion of the Assessor.

Third—The cash value of all personal property.

Sec. 4. Section five of said Act is hereby amended so as to read as follows:

Section five—The term real estate, as used in this Act, shall include lands, and all immovable property thereon, including all houses or structures. The term personal property, shall include all property; as defined and classified in section second of this Act, except real property. Definition of terms.

Sec. 5. Section nine of said Act is hereby amended so as to read as follows:

Section nine—Between the second Monday in March and the first Monday in August, in each year, the Assessor shall, once in every two weeks, or oftener, in his discretion, deliver to the Tax-Collector a list containing the names of all persons, firms, corporations, and associations, who have given in a sworn statement, as provided for in section second of this Act, or whose personal property has been finally assessed by said Assessor, as herein before provided, and the amount of the tax on personal property assessed to each of such persons, firms, corporations, and associations; said list shall be signed and certified by the Assessor. Deliver list to Collector.

At any time after receiving such list or lists, the Tax-Collector is hereby authorized and required, either in person or by deputy, to demand of each and every person, firm, corporation, or association, named in such list, the payment of the amount of the tax on personal property specified in such list; and if any such person, firm, corporation, or association, can not be found, or does not reside in the County, or if such person, firm, corporation, association, or company, shall neglect or refuse to pay such tax, said Tax-Collector, or his Deputy, shall seize sufficient of the personal property of the party so neglecting or refusing to pay, to satisfy the taxes and costs, and shall post a notice of such seizure, with a description of the property, and the time and place where it will be sold, in three public places in the County where it is seized, and shall then, at the expiration of five days, proceed to sell, at public auction, at the time and place mentioned, Seize for taxes.

to the highest bidder, for cash, a sufficient quantity of said property to pay the taxes and expenses incurred, including costs and mileage. And for this service, the Tax-Collector shall be allowed, from the delinquent party, a fee of three dollars, and the same mileage that a Sheriff would be entitled to receive for traveling to the place to make a levy, and upon the payment of the purchase-money, he shall deliver to the purchaser the property sold, together with a certificate of the sale, and of the amount of taxes and expenses for which the property was sold, whereupon the title to the property so sold, shall vest absolutely in the purchaser. The Tax-Collector shall, once in every month, return to the Auditor a list of all collections made under this section, and shall also mark the word "paid" on the general assessment-roll opposite the name of each party whose taxes are so paid.

SEC. 6. Section fifteen of said Act is hereby amended so as to read as follows:

Publiah
delinquent-
list.

Section fifteen—On or before the fourth Monday in November, the Tax-Collector shall cause the delinquent-list named in section fourteen to be published, giving, in said publication, the name of the owner, when known, of all the real estate, together with such a condensed description of the property that it may easily be known; and, also, a similar condensed description of any real estate assessed to unknown owners; and, also, the name of every party delinquent, for any tax on personal property; and, also, opposite each name or description, give the amount of taxes, including the costs herein before provided, due from each delinquent person or property. If a newspaper is published in the County, the publication by this section required shall be made by one insertion, one time per week, for three successive weeks, in some paper published in the City and County, or in a supplement to such paper. Said publication shall also designate the time and place of commencing the sale, which time shall not be less than twenty-one days, nor more than twenty-eight days, from the first appearance of the publication, and the place shall be in front of the City and County Court-house.

SEC. 7. Section sixteen of said Act is hereby amended so as to read as follows:

Manner of
sale.

Section sixteen—On the day, and at the place fixed for the sale, or on some subsequent day to which he may have postponed it, of which he shall give due notice, the Tax-Collector shall, between the hours of ten o'clock, A. M., and three, P. M., commence to sell the real estate advertised, and upon which the taxes and costs have not been paid, commencing at the head of the list, and continuing it in the alphabetical or numerical order of lots or blocks, as entered on the assessment-roll, and continuing said list through, unless the sale is adjourned until another day; and power is hereby given to the Tax-Collector to postpone the day of commencing the sale, and to postpone the sale, from day to day, after it has been commenced, if he deems the best interests of the State, and the City, and County, or of the tax-payers, will be served by such postponement; *Provided, however*, the whole sale of real estate shall be completed within three weeks from the day first fixed as the day of sale.

SEC. 8. Section twenty-third of said Act is hereby amended so as to read as follows:

Section twenty-three—The matters directed by section eight- Deeds.
 teen to be substantially recited in the tax-certificate, and by section twenty-two, in the deed, shall be deemed, and they are hereby declared, to be all the requisites essential to the validity of sales made for taxes, and a deed, made in conformity with the requirements of section twenty-two, shall convey to the grantee the absolute title to the lands described in said deed, free and clear of all incumbrances, liens, claims, rights, titles, and interests, of every kind, of any person, or persons, corporation, or corporations, whatever, whether said land was taxed to such person, or persons, corporation, or corporations, by name or not, excepting only the right and title of the United States, or of the State of California, or of minor children, who may redeem, as herein provided, within one year after coming of age; and such deed shall be *prima facie* evidence of title in the grantee, except when the land is claimed by the United States, or by this State, in which case said deed shall be *prima facie* evidence of the right of possession, and all right, title, interest, claim, and possession acquired by any individual, corporation, or body politic, has been subrogated to the grantee, and such deed shall be conclusive proof of the matter by it set forth, except that Courts of Law and Equity may examine only in regard to such deed, and may hear any testimony in relation thereto, to show:

First—That the property, or a larger parcel of which it is a portion, was not assessed, or equalized, as required by law.

Second—That the taxes, or a portion of them, were not levied by law, or by some person, or body, under authority of law.

Third—That the taxes were paid.

Fourth—That, at a proper time and place, the property was not sold at public auction, by a proper officer, or by a person acting, *de facto*, as such officer.

Fifth—That the property was redeemed.

Sixth—That the person who executed the deed was not the proper officer, or *de facto* acting as such officer.

Seventh—Where the real estate has been sold to pay taxes on personal property, as hereinafter provided, that said real estate did not belong to the person to whom said tax was assessed.

SEC. 9. Section twenty-seven of said Act is hereby amended so as to read as follows:

Section twenty-seven—On the day designated for the sale, in the publication made according to section fifteen, or at any time thereafter, the Tax-Collector shall seize, and take into his possession, any personal property that he can find belonging to any person delinquent for tax on any property, whether personal property or real estate; and he shall sell so much of such seized personalty as may be sufficient to pay the taxes and costs, and necessary expenses incurred, upon giving one hour's verbal notice; and for seizing and selling such personal property, the Tax-Collector shall be allowed, in each case, in addition to the fees herein before provided for, a fee of three dollars, and the same mileage that a Sheriff would be entitled to receive for traveling to the place to make a levy, to be received from the party delin- Seize for taxes.

quent. The Tax-Collector is also authorized, at any time, or times, until all taxes are fully paid, to sell any real estate which he can find belonging to any party who has not paid his taxes on personal property or real estate, on giving notice, once a week, for three successive weeks, of the time and place of such sale. Said notice shall contain a condensed description of the property to be sold, the name of the person delinquent, and the amount of the tax and costs due by such party delinquent, including fees of Tax-Collector for certificate and cost of advertisement. Said sale shall be subject to redemption, as herein provided, and the certificate and deed given by the Tax-Collector, by reason of said sale, shall be substantially the same as provided for in section eighteen and twenty-two of this Act. Every tax shall, from and after the third Monday in October in each year, be a lien on all the real estate of the person delinquent, and on all real estate subsequently acquired by such person; and said lien shall not be removed until said taxes are paid, or the title to said real estate has vested in a purchaser under a sale for taxes.

Repealing
clause.

SEC. 10. Sections twenty-five, twenty-six, forty-six, fifty-seven, fifty-eight, and fifty-nine, of said Act, entitled "An Act to provide revenue for the support of the government of this State," are hereby repealed.

SEC. 11. Section forty-three of said Act is hereby amended so as to read as follows:

Duplicate
tax-list.

Section forty-three—The Tax-Collector shall, annually, on the first Monday in March, attend at the office of the County Auditor, with a duplicate copy of the tax-list, or assessment-roll, so far as delinquent persons, or property, are concerned, in which list he shall have set down, in the numerical or alphabetical order, as entered on the assessment-list, all the matters and things contained in regard to each such delinquent person, or property, in the original list, and the Auditor shall then carefully compare said list with the assessments to persons, or property, not marked "paid," on the original list, and if found to tally therewith, he shall administer to the Tax-Collector an oath, which shall be written and subscribed in the original roll, that each and every person, and all property, assessed in said roll, on which the taxes have been paid, has the word "paid" marked opposite the name of such person, or the description of the property; and the Auditor shall then foot up the amount of taxes remaining unpaid, and credit the Tax-Collector with the amount, and charge the same to a new account, and have a final settlement with him; and in case the term of his office is about to expire, then the Tax-Collector shall make the final settlement, provided for in this section, with the County Auditor, within two weeks after the expiration of his term of office, and the Auditor shall, within thirty days thereafter, transmit by mail to the Controller of State, in such form as the Controller may require, a statement of all, and each particular kind of, property assessed, and a statement of all, and each particular kind of, property delinquent, and the whole amount of taxes delinquent. For the services required by this section, the Tax-Collector shall receive no fee or compensation whatever.

SEC. 12. The provisions of this Act shall apply only to the

City and County of San Francisco, and all other Counties of the State are exempted from the operations of this Act.

Apply only
to San Fran-
cisco.

CHAP. CCCXVI.—*An Act to audit and allow Certain Claims accruing under the provisions of an Act approved April twenty-eighth, one thousand eight hundred and fifty-five, entitled "An Act to provide for the Survey and Construction of a Wagon-Road over the Sierra Nevada Mountains."*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The claim of Thomas Hoffs, for services on Hoffs.
wagon-road survey across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of two hundred and seventeen dollars and twenty-five cents, is hereby audited and allowed.

And the claim of John Senour, for service on wagon-road sur- Senour.
vey across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of two hundred and five dollars and fifty-cents, is hereby audited and allowed.

And the claim of T. J. Arnold, for services on wagon-road Arnold.
across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of six hundred and ninety-eight dollars and thirty-three cents, is hereby audited and allowed.

And the claim of C. P. Edson, for services on the wagon-road Edson.
across the Sierra Nevada, the sum of four hundred and eighty-five dollars, is hereby audited and allowed.

And the claim of Roger S. Day, for services on the wagon- Day.
road across the Sierra Nevada, the sum of four hundred and eighty-five dollars, is hereby audited and allowed.

And the claim of Loren Oviatt, for services on the wagon- Oviatt.
road across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of four hundred and ninety-five dollars, is hereby audited and allowed.

And the claim of Wm. Milligan, for services on the wagon- Milligan.
road across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of two hundred and ninety-one dollars, is hereby audited and allowed.

And the claim of Thomas Hill, for services on the wagon-road Hill.
across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of two hundred and ten dollars, is hereby audited and allowed.

And the claim of James Green, for services on the wagon- Green.

road across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of sixty-nine dollars, is hereby audited and allowed.

Yarnell.

And the claim of Richard Yarnell, for services on the wagon-road across the Sierra Nevada, the sum of seventy-two dollars, is hereby audited and allowed.

Bishop.

And the claim of F. A. Bishop, for services on the wagon-road across the Sierra Nevada, the sum of three hundred and fifty-seven dollars, is hereby audited and allowed.

Hawley and Taylor.

And the claim of Hawley and Taylor, for services on the wagon-road across the Sierra Nevada, in the years one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of one hundred and seventy-nine dollars and thirty-five cents, is hereby audited and allowed.

Green and Yarnell.

And the claim of Green and Yarnell, for provisions furnished State wagon-road surveying party, in one thousand eight hundred and fifty-five, and one thousand eight hundred and fifty-six, the sum of forty dollars, is hereby audited and allowed.

Seligman.

And the claim of Seligman, for clothing, etc., furnished State wagon-road surveying party, the sum of one hundred and seventy-eight dollars, is hereby audited and allowed.

Bee.

And the claim of Albert W. Bee, for provisions, etc., delivered to Sherman Day, for the wagon-road surveying party, in the months of October and November, one thousand eight hundred and fifty-five, the sum of seventy-eight dollars and thirty-four cents, is hereby audited and allowed.

Condee.

And the claim of Condee & Co., for horse-hire furnished the wagon-road surveying party during the months of July, August, and September, one thousand eight hundred and fifty-five, the sum of three hundred and fifty-five dollars, is hereby audited and allowed.

— — —

CCCXVII.—*An Act to provide for the Licensing of Auctioneers, and to define their Duties and Liabilities.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Give bond.

SECTION 1. Any citizen of this State may become an auctioneer for the County in which he resides, and be authorized to sell real and personal property at public auction, or vendue, in giving bonds in accordance with the provisions of this Act, for the faithful performance of his duties, and on the payment of the license hereinafter provided.

Sureties.

SEC. 2. The bonds shall be conditioned to be paid to the people of the State of California, with one or more sureties, in the sum of five thousand dollars. Said bond shall be approved by the County Judge of the County in which the auctioneer shall propose doing business, which shall be filed in the office of the County Clerk of said County.

SEC. 3. The Controller of State shall cause to be printed, a sufficient number of licenses, of all classes mentioned in this bill, filled out completely, except a blank for the name of the County, and of the County Auditor. Each license shall also contain a blank receipt, to be signed by the County Treasurer, on delivery of said license to the purchaser thereof. He shall forward to the Auditor of each County, a sufficient number of blanks for the use of said County, which shall be charged to said Auditor on the Controller's books. Licenses.

The Auditor, from time to time, shall deliver to the Treasurer as many of such licenses as may be required, and shall sign the same, and charge them to the County Treasurer, specifying the class of licenses in his charge. Charge to
County
Treasurer.

At the end of each month, the Treasurer shall return to the Auditor all licenses not issued, and the Auditor shall charge him with the amount of money received for licenses issued, and open a new account with the Treasurer for the next month. Once in three months, the Auditor shall report to the Controller of State the number of licenses issued by the Treasurer, for the preceding three months, and the amount of money paid for the same, and the Controller shall hold the Auditor responsible on his official bond, for all licenses and receipts issued to him under this section, not accounted for or returned. If either the Auditor or Treasurer shall issue, have in his possession, or put in circulation, any other licenses than those forwarded to the Auditor, by the Controller, the person so offending shall be liable to indictment for a felony, and on conviction, be sentenced to imprisonment in the State-prison, for a term not less than one year, nor more than four years.

SEC. 4. Any person who shall have filed his bond in accordance with the provisions of this Act, shall, upon payment of the sum specified in this section, receive from the County Treasurer a license of the class for which he has paid; said license shall be renewed quarterly, and rated as follows: Classes of
License.

First Class—Auctioneers, whose average monthly sales shall amount to one hundred thousand dollars and upwards, shall constitute the first class, and shall pay a license of four hundred dollars per quarter.

Second Class—Auctioneers, whose average monthly sales shall amount to seventy-five thousand, and less than one hundred thousand dollars, shall constitute the second class, and pay a license of three hundred dollars per quarter.

Third Class—Auctioneers, whose average monthly sales shall amount to fifty thousand, and less than seventy-five thousand dollars, shall constitute the third class, and pay a license of two hundred dollars per quarter.

Fourth Class—Auctioneers, whose average monthly sales shall amount to thirty thousand, and less than fifty thousand dollars, shall constitute the fourth class, and pay a license of one hundred and twenty-five dollars per quarter.

Fifth Class—Auctioneers, whose average monthly sales shall amount to twenty thousand, and less than thirty thousand dollars, shall constitute the fifth class, and pay a license of one hundred dollars per quarter.

Sixth Class—Auctioneers, whose average monthly sales shall amount to ten thousand, and less than twenty thousand dollars, shall constitute the sixth class, and pay a license of sixty dollars per quarter.

Seventh Class—Auctioneers, whose average monthly sales shall be less than ten thousand dollars, shall constitute the seventh class, and pay a license of twenty-five dollars per quarter.

Government
goods to be
exempt.

SEC. 5. No section of this Act shall be so construed as to require a license to be obtained for the selling of any goods at public sale that may belong to the United States, or to this State, or upon property sold by virtue of any process issued by any State Court, or United States Court.

Renewal of
license.

SEC. 6. Every auctioneer applying to the County Treasurer for a renewal of his license, under the provisions of [this] Act, shall accompany the application with a statement, under oath, which shall set forth that his average receipts per month, on account of sales, during the preceding quarter, do not exceed the amount specified in the class of license for which he applies, and any auctioneer, already established in business, applying for a license, as provided in this Act, for the first quarter after its passage, shall take out a license in proportion to his average monthly sales for the preceding quarter, and it is hereby made the duty of such Treasurer to provide blank forms of affidavit for that purpose, and administer the oath required to such applicants, without charge.

Not to
transfer.

SEC. 7. No auctioneer shall be permitted to transfer his license to any other person, for any part of the time, or at any time during the period for which his license may have been issued; nor shall any auctioneer be permitted to use his license, for the purpose of transacting an auction business, in more than one store or specified place of business.

Penalty.

SEC. 8. Any auctioneer who shall fail to comply with the provisions of this Act, or any person acting as an auctioneer, without first having complied with its provisions, shall be deemed guilty of a misdemeanor, and, on conviction thereof in any Court of competent jurisdiction, shall be fined not less than fifty, nor more than five hundred dollars, for each and every article sold, or offered for sale; and in default of payment of such fine, shall be imprisoned in the County-jail for a period not exceeding ninety days, at the discretion of the Judge before whom the case may be tried.

Auctioneers,
ex officio.

SEC. 9. In any City or Town where there is no auctioneer, the Sheriff, or a Constable, shall be *ex officio* auctioneer, and shall be permitted to sell any property, real or personal, at public auction; and for any delinquency, as such *ex officio* auctioneer, he shall be liable on his official bond.

Book for
live-stock.

SEC. 10. It shall be the duty of every auctioneer, who shall sell any animal of the horse kind, or any mules, to keep a book, in which he shall register the name of each and every person bringing, or offering, any horse, or mule, to be sold, and the name of the person purchasing such horse, or mule, together with the date of such sale, or sales, and a description of each horse, or mule, so sold, together with the marks and brands. Said book

shall be a public record, and subject to the inspection of any person desiring to inspect the same.

SEC. 11. Each auctioneer shall keep a book, in which he shall enter a memorandum of all sales, showing the name of the owner, or owners of the goods sold, to whom sold, and the amount paid, and the date of each sale, which book shall at all times be open for the inspection of any person, or persons, interested therein. Other books.

SEC. 12. Every County Treasurer shall, at all times, hold himself in readiness to pay to the Treasurer of State, on his order, countersigned by the Controller, all moneys in his hands, derived from sales of auction licenses, to the date of such order, less his lawful commission for receiving, or paying over, said sum or sums of money, and all sums of money not paid over on the order of the Treasurer of the State, as above provided, shall be paid into the State treasury, by the County Treasurer, at the time and manner of other State revenues. Pay to State.

SEC. 13. All money paid into the State treasury, arising from the sale of auction licenses, under the provisions of this Act, shall constitute a part of the General Fund. General Fund.

SEC. 14. All moneys collected under the provisions of this Act shall be paid into the County treasury—two-thirds for State purposes, and one-third for County purposes. Division.

SEC. 15. All Acts, or parts of Acts, conflicting with the provisions of this Act, are hereby repealed; *Provided*, that such repeal shall not in any manner affect any rights vested or any liabilities incurred prior to the passage of this Act, under or by virtue of the provisions of the Act passed May fifteenth, one thousand eight hundred and fifty-four, entitled "An Act to provide revenue for the support of the Government," and an Act entitled "An Act to provide revenue for the support of the Government of this State," approved April twenty-ninth, one thousand eight hundred and fifty-seven, and an Act entitled "An Act prescribing the mode of appointing auctioneers, and defining their duties," passed April twenty-second, one thousand eight hundred and fifty, nor affect the rights of recovering in any suits now pending against auctioneers for violations of the provisions of any of said Acts. Repealing clause.

CHAP. CCCXVIII.—*An Act to confer further Powers on the Board of Supervisors, the Auditor, and Treasurer, of the City and County of San Francisco, and to authorize them to perform certain acts therein mentioned.*

[Approved April 18, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The said Board of Supervisors is hereby authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay, Samuel R. Gerry, or his Gerry.

assigns, such sums as may be legally, or equitably due him, not to exceed, in all, the sum of seven hundred and twenty dollars, for medical services rendered by order of the County Judge, in trying cases of insanity, and issuing certificates thereon, during the years one thousand eight hundred and fifty-seven and eight.

Martin.

The said Board of Supervisors is hereby authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay, to Philip Martin, or his assigns, such sum as may be legally, or equitably, due him, not to exceed the sum of fifteen hundred dollars, for services rendered in cleaning, and watching the Hall of Records in said City and County, from July, one thousand eight hundred and fifty-six, to October, one thousand eight hundred and fifty-seven.

Lincoln.

The said Board of Supervisors is hereby authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay, the amount of any judgment, with costs and interest, that has, or may be obtained, in the suit of Harriet A. Lincoln vs. M. R. Roberts, N. C. Lane, and R. G. Sneath, in the Twelfth Judicial District Court, for rent and damages, by reason of the destruction of the small-pox hospital, on Price street, which was leased by said defendants, for the use and purposes of the City and County of San Francisco.

McQuade and Fell.

Said Board is hereby authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay, to John McQuade and William Fell, the sum of two hundred and fifty dollars each, for services rendered as Copying-Clerks, in the Recorder's office, from the first day of December, one thousand eight hundred and fifty-eight, to the first day of February, one thousand eight hundred and fifty-nine, inclusive.

San Francisco Herald.

Said Board is authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay, to the owners, or agents, of the San Francisco Herald, for advertising various matters, from July twentieth, one thousand eight hundred and fifty-six, to February, one thousand eight hundred and fifty-seven, such sum as may be legally or equitably due said parties, for such services, not to exceed the sum of two hundred dollars.

Vreeland.

The said Board are hereby authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay to E. B. Vreeland, as assignee of J. H. Kent, such sum as may be legally or equitably due him, not to exceed the sum of two thousand one hundred and fifty-one dollars, for official services rendered by said Kent, as Coroner, from the first day of November, one thousand eight hundred and fifty-six, to the first day of February, one thousand eight hundred and fifty-seven.

May lease to Mechanics' Institute.

The said Board is hereby authorized and empowered to lease the Mechanics' Institute any lot or lots of land under their control they may deem proper, (excepting all school-lots, and Portsmouth Square,) for the use of said Institute, to erect temporary buildings for the holding of fairs, and other purposes.

Repairs to streets on water-front.

The said Board are hereby authorized to allow and order paid out of the General Fund, for the repairs to the outer half of streets constituting the water-front of said City and County, as provided in section thirty-eight of "An Act to repeal the several

charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the Government thereof," approved April nineteenth, one thousand eight hundred and fifty-six; the Auditor to audit, and the Treasurer to pay, sums not exceeding in the aggregate, three thousand dollars during any one fiscal year.

Said Board are authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay, to John C. Griswold, for services rendered as Clerk, or Deputy, in the office of the Superintendent of Streets and Highways, from November fifteenth, one thousand eight hundred and fifty-eight, to March thirty-first, one thousand eight hundred and fifty-nine, inclusive, one hundred and fifty dollars per month.

Said Board is hereby authorized to allow, and order paid, out of the General Fund, the Auditor to audit, and the Treasurer to pay, a monthly salary of seventy-five dollars, for services of a Clerk in the office of the City and County-Attorney, payable in the same manner as other officers and employes of said City and County are paid.

Griswold.

Clerk to
City-
Attorney.

CHAP. CCCXIX.—*An Act to appropriate money to pay Certain Claims.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

SECTION 1. The following sums of money are hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay certain claims, to wit: Appropriation of money.

The sum of seventy-five dollars, for the purpose of paying Charles Smith, for services as Keeper of the Insane Asylum during the month of May, one thousand eight hundred and fifty-eight.

And the sum of thirty dollars, for the purpose of paying Henry Lewis, a cook in the Insane Asylum, during the month of May, one thousand eight hundred and fifty-eight.

And the sum of one hundred and fifty-nine dollars and twelve cents, to pay David Weaver, County Assessor of Butte County, for lost poll-tax receipts, now returned to the State.

Smith.

Weaver.

CHAP. CCCXX.—*An Act to appropriate Moneys to pay Certain Claims.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- Appropriation of money.** SECTION 1. The following sums of money are hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the following claims :
- Breyfogle.** The sum of sixty-eight dollars and eighty-five cents, to pay C. C. Breyfogle, Assessor of Amador County, for poll-tax receipts paid by him, the same having been mislaid, but now returned to the State.
- Healy.** And the sum of one hundred and twenty-five dollars, to pay M. Healy, for services as Matron at the Insane Asylum, in March, one thousand eight hundred and fifty-eight.
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CHAP. CCCXXI.—*An Act to authorize the Coroner of Butte County to remove the Bodies of Deceased Persons.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

- May remove bodies.** SECTION 1. The Coroner of Butte County is hereby empowered to contract with a suitable person, or persons, for the removal of the bodies of deceased persons, interred on the Bluff, so called, adjoining the town of Oroville, in said County of Butte, and to cause them to be interred in Oroville Cemetery, within one year after the passage of this Act.
- Re-interred.** SEC. 2. It shall be the duty of the Coroner to cause said bodies to be decently interred, and to cause any and all tombstones, ornaments, and inscriptions, on the graves of said bodies, to be re-erected in as good order as on the original graves.
- Charge for removal.** SEC. 3. The Supervisors of Butte County are hereby empowered to audit the claim of such contractor, for such services, not to exceed the sum of twenty dollars for each body so removed and re-interred, and the same shall be paid out of the General County Fund, in like manner as other claims against the County.
- Compensat'n of Coroner.** SEC. 4. The Coroner shall be allowed such reasonable compensation, for any services rendered under the provisions of this Act, as the Supervisors may deem just, not to exceed five dollars per day for each day actually engaged in the performance of his duties under this Act.

CHAP. CCCXXII.—*An Act to alter and define the Boundary-lines of Tehama County.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County of Tehama shall be bounded as follows, to wit: beginning at the first section-line north of Rogers' house, on the Sacramento River, and running west on said line to the summit of the Coast Range; thence up the Coast Range, to the Middle Fork of Cottonwood Creek; thence down the centre channel of said creek, to the Sacramento River; thence up the middle channel of said river, to the mouth of Battle Creek; thence up the middle channel of said creek, to the western line of Plumas County; thence on said line, southerly, to the line of of Butte County; and thence, in direct line, to the head-waters of Rock Creek; thence down the middle of the channel of said creek, to Township-line twenty-three; thence along said line, to the middle of the Sacramento River; thence along the middle of the channel of said river, to the place of beginning.

Boundary defined.

SEC. 2. An Act entitled an Act to alter and define the boundary-lines of Tehama County, approved February nineteenth, one thousand eight hundred and fifty-seven, and an Act entitled an Act supplemental to, and amendatory of, an Act entitled an Act to alter and define the boundary-line of Tehama County, approved February nineteenth, one thousand eight hundred and fifty-seven, approved March twenty-sixth, one thousand eight hundred and fifty-seven, and all Acts, and parts of Acts, inconsistent with the provisions of this Act, are hereby repealed.

Repealing clause.

CHAP. CCCXXIII.—*An Act amendatory of, and supplementary to, an Act passed April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act to repeal the Act, passed March twenty-sixth, one thousand eight hundred and fifty-one, entitled an Act to Incorporate the City of Sacramento, and the several Acts amendatory and supplementary thereto, and to Incorporate the City and County of Sacramento."*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section forty-one of said Act is hereby amended so as to read as follows :

Section forty-one—The claims specified in this Act may be received for funding, and bonds therefor may be issued, prior to the first day of October, one thousand eight hundred and fifty-

Claims to be funded.

nine, but not afterwards. All claims not presented for funding prior to that time, are excluded from the provisions of this Act, and each blank bond, prepared under the provisions of this Act, as shall remain on hand, shall be destroyed, in the presence of the Treasurer, County Judge, and the President, and Clerk of the Board of Supervisors.

SEC. 2. The seventy-second section of said Act is hereby amended, so as to read as follows :

Warrants to
paid out of
Contingent
Fund.

Section seventy-two—All warrants drawn by the Mayor of the City of Sacramento, upon the treasury, in accordance with the charter and ordinances of said City, which remained outstanding, and unpaid, on the twentieth day of September, one thousand eight hundred and fifty-eight, shall be paid from the Contingent Fund, provided for in section thirty-five; *Provided, however*, that neither of the eight warrants, numbered one thousand seven hundred and ninety-seven, one thousand seven hundred and ninety-eight, one thousand seven hundred and ninety-nine, one thousand eight hundred, one thousand eight hundred and one, one thousand eight hundred and two, one thousand eight hundred and three, and one thousand eight hundred and four, on the City School Fund, for two hundred and fifty dollars each, shall be paid, unless the holder pays twenty per cent. of the warrant to the Treasurer, for the use, benefit, and behoof, of the City School Fund; *Provided*, a sufficient amount of money shall first be set apart, out of the Contingent Fund, for the payment of the current expenses of the fiscal year, properly payable out of said Contingent Fund.

CHAP. CCCXXIV.—*An Act making Appropriation for Deficiencies made for the Tenth Fiscal Year, ending the thirtieth day of June, A. D. one thousand eight hundred and fifty-nine.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Appropriation
of money.

SECTION 1. The following sums of money are hereby appropriated, out of any money in the General Fund not otherwise appropriated, and for the objects hereinafter expressed :

Senate.

For contingent expenses of the Senate, three thousand dollars.

Assembly.

For contingent expenses of the Assembly, three thousand dollars.

Exempt
from Board
of Examiners

SEC. 2. The sums herein appropriated shall be disbursed under the direction of the body to which it may respectively belong, and shall not be subject to any of the provisions of an Act entitled "An Act to create a Board of Examiners, to define their powers and duties, and to impose certain duties upon the Controller and Treasurer," approved April twenty-first, eighteen hundred and fifty-eight.

CHAP. CCCXXV.—*An Act making Appropriations for the payment of Rewards offered by the Governor.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of three thousand dollars is hereby ap- \$3000.
propriated, out of any moneys in the treasury not otherwise appropriated, to pay rewards offered by the Governor for the apprehension of criminals.

CHAP. CCCXXVI.—*An Act to authorize the Parties therein named to Construct and Maintain a Wharf.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

SECTION 1. The right to build and maintain a wharf in San Francisco Bay, at such point as they may select, at or near the old landing-place, at Castro's Landing, or Slaughter-house Point, upon the peninsula in front of the house now, or lately, occupied by Victor Castro, in the County of Contra Costa, or Alameda, as the said point may prove to be, is hereby granted to Charles Minturn, Ira P. Rankin, and E. C. M. Chadwick, their associates and assigns, for the term of twenty years. Authorized to build a wharf.

SEC. 2. For the purpose of said wharf, there is hereby granted to the said Charles Minturn, Ira P. Rankin, and E. C. M. Chadwick, their associates and assigns, the use and occupation of a strip of land, commencing at low-tide, three hundred feet wide, along the water-line, and extending three hundred feet in length into the bay; *Provided*, that nothing herein contained shall be so construed as to permit the parties herein named to impede, or interfere with navigation. Grant of land.

SEC. 3. The said Minturn, Rankin, and Chadwick, their associates, and assigns, shall, within one year from the passage of this Act, commence the building of the wharf herein provided for, and shall, within two years, finish the same. Said wharf shall be firmly and substantially built, of such materials, and of such dimensions, as to make said wharf sufficient for all the purposes of a steam-ferry, as well as for the local business of the place; and from time to time, said wharf shall be enlarged, as the commerce of the place may require. Completed in two years.

SEC. 4. Until it shall be determined in what County the said point is situated, the Board of Supervisors of Contra Costa County shall, from time to time, fix the rates of wharfrage to be collected at said wharf, and the said Minturn, Rankin, and Chadwick, their Wharfrage.

associates and assigns may, from time to time, charge and collect such wharfage as may be prescribed by the Board of Supervisors of Contra Costa County, until it shall be determined in what County said point is situated; and afterwards, such wharfage as may be prescribed by the Supervisors of the County in which said wharf shall be found to be. The rates of wharfage which may be prescribed under the provisions of this Act, shall be conspicuously posted upon said wharf.

Forfeited to
the State.

SEC. 5. If the said Minturn, Rankin, and Chadwick, or their associates and assigns, shall fail to commence and complete said wharf, within the time prescribed in this Act, or in any other manner violate its provisions, then all the rights granted by this Act shall become forfeited to the State.

CHAP. CCCXXVII.—*An Act to Regulate the Fees of certain Officers and Witnesses, and Jurors in the County of El Dorado.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Fees of
office.

SECTION 1. Such fees are allowed to the officers hereinafter named, within the County of El Dorado, for their services rendered in discharging the duties imposed on them by law, as herein provided, and such officers may lawfully charge, demand, and receive the same.

FEES OF CLERK OF THE DISTRICT COURT.

Clerk of
District
Court.

SEC. 2. For entering each suit on the Clerk's Register of Actions, and making the necessary entries therein during the trial, seventy-five cents.

For issuing each subpoena, fifty cents.

For issuing every commission to take testimony, seventy-five cents.

For issuing a writ of attachment, or summons, or other writ or process under seal, seventy-five cents.

For issuing every execution or other final process, under seal, seventy-five cents.

For issuing every decree, or order of sale of mortgaged property, or writ of injunction, one dollar.

For filing each paper, twenty-five cents.

For calling and swearing every jury, fifty cents.

For entering every motion, rule, order, default, discontinuance, dismissal, or nonsuit, twenty-five cents.

For receiving and entering each verdict of a jury, or finding of Court, fifty cents.

For entering every cause on the Calendar, and making a copy thereof for the bar, for each term of the Court, fifty cents.

For entering every final judgment, for the first folio, one dollar; for each subsequent folio, thirty cents. Clerk of District Court.

For each entry of judgment on judgment-docket, twenty-five cents.

For each entry of satisfaction of judgment, twenty-five cents.

For filing judgment-roll, twenty-five cents.

For copy of any proceeding, record, or paper, for each folio, thirty cents.

For every certificate or attestation, under seal, fifty cents.

For administering every oath or affirmation, and certifying to the same, twenty-five cents.

For taking down testimony of witnesses during trial, for each folio, thirty cents.

For receiving and filing every remittitur from Supreme Court, and accompanying papers, fifty cents.

For entering judgment by confession, the same fees as in other cases of entering judgment.

For taking each bond required by law, fifty cents.

For taking justification to bond, for each name thereto, twenty-five cents.

For acknowledgment of deed, or other instrument, including all writing and seal, for the first name thereto, fifty cents; for each additional name thereto, twenty-five cents.

For searching the files of each year, in his office, (but not to charge suitors or attorneys,) fifty cents.

For all services, rendered by him, chargeable to the County, he shall receive no fee, or compensation, except as hereinafter provided, in section seven of this Act.

FEES OF CLERK OF PROBATE COURT.

SEC. 3. For issuing letters testamentary, or of administration, fifty cents. Clerk of Probate Court.

For certificate of appointing appraisers, or guardians, fifty cents.

For writing and posting notices, when required, for each copy, fifty cents.

For notice given, by publication, in addition to the cost of publication, fifty cents.

For recording wills, per folio, thirty cents.

For all other services, the same fees as are allowed to the Clerk of the District Court, for similar services. .

FEES OF CLERK OF COUNTY COURT.

SEC. 4. For filing all the papers sent on appeal from Justices' Courts, in each case, one dollar. Clerk of County Court.

For all other services, the same fees as are allowed the Clerk of the District Court, for similar services.

FEES OF CLERK OF COURT OF SESSIONS.

SEC. 5. The Clerk of the Court of Sessions shall receive the Court of Sessions.

same fees as are allowed the Clerk of the District Court, for similar services.

FEES OF COUNTY CLERK.

County
Clerk.

SEC. 6. For filing any paper required, twenty-five cents.

For recording any instrument or paper, when required, for each folio, thirty cents.

For all other services, the same fees as are allowed the Clerk of the District Court, for similar services.

SEC. 7. The County Clerk, for all services rendered as Clerk of the District Court, Clerk of the County Court, Clerk of the Court of Sessions, Clerk of the Probate Court, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, or County Clerk, chargeable to the County, shall receive the sum of two thousand dollars per annum; said sum to be paid in monthly payments at the end of each month, out of the County treasury, the same as other demands against the County.

FEES OF COUNTY RECORDER.

County
Recorder.

SEC. 8. For recording every instrument, paper, or notice, when required, for each folio, forty cents.

For copies of any record, or paper, for each folio, thirty cents.

For filing or receiving every instrument, or paper, for record, and making the necessary entries therein, twenty-five cents.

For filing and keeping each paper not required to be recorded, and indorsing the same, if required, twenty-five cents.

For making, in the several indexes required, all the entries required of the filing and recording any instrument, paper, or notice, twenty-five cents.

For every certificate, or attestation under seal, fifty cents.

For every entry of discharge of mortgage, on margin of record, twenty-five cents.

For searching record and files of each year, in his office, when required, fifty cents.

For abstract or certificate of title, when required, for each conveyance or incumbrance certified, one dollar.

For recording every Town-plat, for every course, twenty-five cents.

For figures and lettering plats and maps, per folio, one dollar.

For taking acknowledgment, including writing and seal, for the first name thereto, fifty cents; for each additional name thereto, twenty-five cents.

For filing and entering a minute of certificate of Sheriff's sale, fifty cents.

For filing and entering a minute of certificate of tax-sale, fifty cents.

For recording a marriage-certificate, one dollar.

For services rendered, either as County Recorder or County Auditor, chargeable to the County, he shall receive no fee or

compensation, except the sum of fifteen hundred dollars per annum, said sum to be paid in monthly payments, at the end of each month, out of the County treasury, the same as other demands against the County.

FEES OF PROBATE JUDGE.

Sec. 9. For every order, or judgment, when not contested, Probate Judge. fifty cents; when contested, one dollar.

SALARY OF COUNTY SUPERINTENDENT OF PUBLIC INSTRUCTION.

Sec. 10. The County Superintendent of Public Instruction shall receive, for all services rendered in discharging the duties imposed on him by law, the sum of twelve hundred dollars per annum; said sum to be paid in monthly payments, at the end of each month, out of the County treasury, the same as other demands against the County. Superintendent of Public Instruction.

FEES OF SHERIFF.

Sec. 11. For serving a summons, and complaint, or any other Sheriff. process, by which action or proceeding is commenced, on every defendant, two dollars.

For traveling, in making such services, per mile, in going only, to be computed, in all cases, from the Court-house of the County, fifty cents; *Provided*, that if any two or more writs, or papers, require to be served in the same suit, at the same time, one mileage only shall be charged.

For taking bond, or undertaking, in any case in which he is authorized to take the same, one dollar.

For copy of any writ, process, or other paper, when demanded or required by law, for each folio, thirty cents.

For serving every notice, rule, or order, one dollar.

For serving a subpoena, for each witness summoned, fifty cents.

For traveling, per mile, in serving each subpoena, in going only, (but when two or more witnesses live in the same direction, traveling fees shall be charged only for the most distant,) fifty cents.

For serving an attachment on property, or levying an execution, or executing an order of arrest, or order for delivery of personal property, and with traveling fees, as on a summons, two dollars; but no traveling fee shall be allowed on such attachment, order of arrest, or order for the delivery of personal property, when the same accompanies the summons in the suit, and may be executed at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons.

For serving an attachment upon any boat, in proceedings to enforce any lien thereon, created by law, four dollars.

For making and posting notices, and advertising property for sale on execution, or under any judgment, or order of sale, not to include the cost of publication in a newspaper, two dollars.

Sheriff.

For commissions, for receiving and paying over money, on execution, or process, when lands or personal property has been levied on, advertised, and sold, four per cent. on the first five hundred dollars; three per cent. on all over five hundred dollars, and under one thousand dollars; two per cent. on all over one thousand dollars, and under fifteen hundred dollars; and one per cent. on all over fifteen hundred dollars.

For commissions for receiving and paying over money, on execution, without levy, or when the lands or goods levied on shall not be sold, two per cent. on the first one thousand dollars, and one per cent. on all over that sum.

The fees herein allowed for the levy of an execution, and for advertising, and for making, or collecting the money on an execution, shall be collected from the defendant, by virtue of such execution, in the same manner, as the sum therein directed to be made.

For drawing and executing any Sheriff's deed, to be paid for by the grantee, who shall, in addition, pay for the acknowledgment thereof, three dollars.

For serving a writ of possession or restitution; putting any person entitled, into possession of premises, and removing the occupant, five dollars.

For travel in the service of any process, not herein before mentioned, for each mile necessarily traveled, in going only, fifty cents.

For attending, when required, on any Court, in person, or by Deputy, for each day, to be paid out of the County treasury, five dollars.

For bringing up a prisoner on *habeas corpus*, to testify, or answer, in any Court, or for examination as to the cause of his arrest and detention, or to give bail, two dollars; and for traveling each mile from the County-jail, in going, only, fifty cents. He shall, also, be allowed such further compensation, for his trouble and expense, in taking possession of property under attachment, or execution, or other process, and of preserving the same, as the Court from which the writ, or order, may issue shall certify to be just and reasonable.

For holding each inquest, or trial of right of property, when required, to include all service in the matter, except mileage, five dollars.

For making every arrest, in a criminal proceeding, three dollars.

For serving a subpoena, in criminal proceedings, for each witness summoned, fifty cents.

For executing every sentence of death, fifty dollars.

For service of any process, in criminal cases, for each mile necessarily traveled, twenty cents; and in case of an arrest, fifty cents per mile. For taking prisoner before a magistrate, or to prison, in service of any process in criminal cases, he shall receive mileage for the most distant, only, where witnesses, and parties upon which service is made, live in the same direction.

For summoning jurors, for each juror, including copies of ve-

nire, notice, or summons, and all traveling done in serving the same, one dollar and forty cents.

For all services in Justice's Courts, the same fees as are allowed to Constables in like cases.

FEES OF TAX-COLLECTOR.

SEC. 12. The Tax-Collector shall be allowed, for collecting ^{Tax-Collector.} all taxes and dues, payable to the State or County, except license-taxes and foreign miner's taxes, on all sums collected and paid over by him, three per cent. on the first ten thousand dollars, four per cent. on all over ten thousand dollars and under twenty thousand dollars, and five per cent. on all over twenty thousand dollars, and for all sums collected and paid over for license-taxes and foreign miner's taxes, the same rates as are now allowed by law.

FEES OF WITNESSES.

SEC. 13. For attending in any civil suit or proceeding, before ^{Witnesses.} any Court of Record, Referee, Commissioner, or Justice of the Peace, for each day, three dollars.

And for traveling to the place of trial, for each mile, twenty-five cents.

For attending in any criminal case, or proceeding before the District Court, or Court of Sessions, for each day, two dollars.

And for traveling to the place of trial, for each mile, twenty cents.

No person shall be obliged to testify in a civil action, unless his fees for attendance have been tendered him, or he shall not have demanded the same.

FEES OF JURORS.

SEC. 14. For each day, to be paid in civil cases by the party ^{Jurors.} in whose favor verdict is rendered, before the same shall be entered, but the same may be recovered as costs from the party losing the case, three dollars; *Provided*, that in the District Court, County Court, and Court of Sessions, the Clerk shall keep an account of all moneys received for trials by each juror during the term, and if the sum so received by such juror, shall not amount to three dollars per day, he shall deliver to such juror a certificate of the time for which he is still entitled to receive pay, which shall be paid out of the County treasury, as other County dues.

If, in any trial in a civil case, before any Court, the jury be, from any cause, discharged without finding a verdict, the fees of the jury shall be paid by the plaintiff, but may be recovered back, as costs, if he afterwards obtain judgment. Until they are paid, no further proceedings shall be allowed in the matter.

No person shall receive any compensation for serving as a juror, on a Coroner's inquest.

SEC. 15. All laws, and parts of laws, in conflict with the pro-

Repealing
clause.

visions of this Act, so far as the same relate to the County of El Dorado, are hereby repealed; *Provided*, that so much of this Act as relates to the offices of Clerk of the District Court, Clerk of the County Court, Clerk of the Probate Court, Clerk of the Court of Sessions, County Clerk, Clerk of the Board of Supervisors, Clerk of the Board of Equalization, Clerk of the Board of Canvassers, Sheriff, County Recorder, County Auditor, Tax-collector, and Superintendent of Public Instruction, shall not take effect until after the expiration of the term for which the present incumbents have been elected.

CHAP. CCCXXVIII.—*An Act concerning Roads and Highways in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows :

Public
highways.

SECTION 1. All roads in the Counties of Tuolumne, San Joaquin, Plumas, and Siskiyou, which have been declared such by the Court of Sessions, or Board of Supervisors, and such as may be hereafter laid out by the Board of Supervisors, are hereby declared public highways.

Road
Overseer.

SEC. 2. The Board of Supervisors in said Counties shall have the general care of highways and bridges, and it shall be their duty to cause to be kept in good repair the highways and bridges in said Counties, as hereinafter provided, to regulate the roads already laid out, and to alter such of them as shall be deemed inconvenient, to lay out new roads, as provided in this Act; to divide their Counties into as many road districts as they may deem necessary for convenience; to appoint, for each of the districts so formed, an Overseer, who shall hold office for one year, unless sooner removed for cause.

Consent of
owner.

SEC. 3. No public or private road shall be laid out through any buildings, or fixtures of any kind, or through any inclosed, improved, or cultivated land, without the consent of the owner thereof, except due compensation shall be made such owner as hereinafter provided.

Petition.

SEC. 4. Every person liable to be assessed for road-tax in the County, may apply to the Board of Supervisors thereof to alter, discontinue, or lay out, any new road within the County. Every such application shall be in writing, addressed to the Board of Supervisors, and signed by at least five persons, and shall state the point of beginning, course, and terminus, of the proposed road, with particularity; also the character and condition of the land, with the names of the owners, when known to them, over which the road will pass, and whether the land be improved or not.

Road
Viewers.

SEC. 5. On receiving such application, the Board may appoint three Viewers, who shall be tax-payers of the County, and disin-

terested in the proposed road, and who shall, on a day to be named by the Board, and at least ten days after their appointment, assemble to view out and mark the line of the supposed road, and to hear all reasons that may be offered for and against laying out the same. They shall, within a reasonable time, report to the Board of Supervisors, in writing, signed by at least two of them :

First—The feasibility of the proposed road.

Second—The necessity for such road.

Third—The probable cost of its construction.

Fourth—The amount of damage that will be sustained by any person, or persons, severally, by reason of laying out the same, with a recommendation that the same be, or be not, laid out; *Provided*, if the Viewers shall fail to comply with the law, in any essential respect, the Board of Supervisors may set aside their report, and order another view to be had, the same in all respects as though no view had been had.

SEC. 6. The Board of Supervisors shall cause three or more notices to be posted in the most public places in the vicinity of the proposed road, at least ten days prior to the time appointed for the meeting of the Viewers, stating the point of beginning, course, and terminus, of the proposed road; also, the names of the owners over whose lands the same will pass when known, and the day on which the Viewers will assemble to view and mark the line of the same. Public notice

The Board shall also notify the owners of the land, when known, over which it is proposed to construct such road, of the time and place of meeting of the Viewers, either personally, or by having such notice served upon them, or left at their usual place of abode, or by letter, placed in some Post-office in the County, directed to such person or persons, respectively, at the nearest Post-office, to his order, or their residence, or residences.

SEC. 7. In case the Viewers report against laying out the proposed road, the Board of Supervisors may refuse to lay out the same; but if they shall report in favor of laying out the road, and the same does not pass through any inclosed, improved, cultivated, or occupied lands, they may, by an order to be filed with the County Clerk, lay out the same, if they shall deem it proper to do so. Upon report of Viewers.

SEC. 8. In case the Viewers report in favor of paying damages to any person or persons in consequence of laying out any road, and the Board of Supervisors, on the part of the County, are satisfied that such damages are just and reasonable, and the party or parties claiming damages are willing to accept the same in full satisfaction of such damages, the Board may order such damages paid out of the County treasury, taking of the party or parties a receipt in full for such damages, and proceed to declare the road a public highway, as provided in section seven of this Act. Damages.

SEC. 9. In case the Board of Supervisors, on the part of the County, or the person, or persons, claiming damages, shall be dissatisfied with the amount of damages allowed by the Viewers, the Board shall appoint a commission, consisting of three per- In case of dissatisfaction.

sons, tax-payers of the County, and disinterested in the proposed road, who shall, on a day to be named by the Board, go upon the ground, and personally examine the line of the proposed road, and hear any witnesses that may be offered, regarding the value of the land through which the road will pass, and the damages that will be sustained by any party, or parties, in consequence of laying out the same; and shall, within a reasonable time, report to the Board, in writing, the amount of damage that will be sustained from any party, or parties, severally, which report shall be in writing, and signed by at least two of the said Commissioners, and the damage so allowed shall be ordered paid by the Board of Supervisors, and shall be final in the premises.

Claims to be
barred.

SEC. 10. In case any person, or persons, claiming damages, in consequence of the laying out of any highway through his, her, or their lands, shall fail to present such claim to the Board of Supervisors, within thirty days after the time appointed for the meeting of the Viewers, they shall be forever barred from collecting such claim for damages, unless damages were reported by the Viewers in favor of such person, or persons, or their predecessors in interest, or unless it shall appear that such person, or persons, failed to receive notice of the action of the Board of Supervisors in the premises, or were under some legal disability to present such claim for damages; and no claim for damages shall be allowed, in any case, unless presented within six months from the time of the meeting of the Viewers.

In case any proposed road shall pass through any improved, occupied, or cultivated land, and the party, or parties, owning the same shall fail to present a claim for damages, or to give the right of way, through such land, to the County, the Board shall not declare such road a public highway until the expiration of the thirty days aforesaid.

Administer
oaths.

SEC. 11. Viewers of Highways, and Commissioners, appointed by the Board of Supervisors, for determining damages, shall have power to administer oaths to witnesses that may come before them, in their capacity of Viewers and Commissioners.

Compensa-
tion.

SEC. 12. In case the Commissioners shall report in favor of a greater amount of damages than was allowed by the Viewers, the expenses of the Commissioners, not exceeding three dollars per day, each, shall be paid out of the County treasury, but in all other cases they shall be paid by the party claiming damages.

\$3 per day.

SEC. 13. Viewers shall be paid out of the County treasury, not exceeding three dollars per day, each, for each day's service actually rendered.

Advantages.

SEC. 14. In assessing damages, Viewers and Commissioners shall always take into consideration the advantage the proposed road will be to the party, or parties, claiming damages.

Petitions.

SEC. 15. The petition for the discontinuance of a public or private road, and the proceedings under it, shall be the same as in cases of the laying out of a new road up to the finding of the report of the Viewers, which shall be in favor, or against, the discontinuance of such road.

In case the report be against the discontinuance of such road, the Board of Supervisors shall refuse to discontinue the same, but if the report be in favor of discontinuing the road, the Su-

pervisors may, in their discretion, by an order, to be filed with the County Clerk, discontinue such road.

SEC. 16. All public highways hereafter laid out, shall be of the width of eighty feet.

SEC. 17. All duties enjoined upon the Board of Supervisors by this Act may be performed, either at general or special meetings of the Board. Special or general meetings.

SEC. 18. Private roads may be laid out in the same manner as public roads, except the expenses of laying out the same, and the damages to be paid in consequence thereof, if any, shall be borne, and paid by the parties petitioning for the same. Private roads

The width of private roads shall not exceed forty feet; all private roads shall be opened and kept in repair by the parties for whose benefit the same were laid out, and said parties shall cause good and substantial gates to be erected, and kept in repair, across said road where it shall pass through any fence that may surround the inclosure, through which such road may pass.

SEC. 19. The County Clerk of each County shall notify all persons who have been appointed Road Overseers, within ten days after such appointment has been made, informing them of such appointment, and describing the boundaries of their districts. Notify Overseers.

SEC. 20. The Road Overseers shall cause all the public highways, within their respective districts, to be kept clear from obstructions, and in good repair, causing banks to be graded, bridges and causeways to be made where the same may be necessary, to keep the same in good repair, and to renew them when destroyed. Repairs.

SEC. 21. The Road Overseers shall have power to make use of any gravel or dirt for improving the roads, which may be absolutely necessary, from any adjacent unimproved lands; and if damages be claimed, they may be ascertained and awarded in the same manner as is provided in this Act for ascertaining and awarding damages in laying out of new roads. May use earth.

SEC. 22. The Boards of Supervisors shall have power to levy an annual road-tax on all able-bodied men, between the ages of twenty-one and fifty years, not to exceed four dollars to each man; *Provided*, that any person liable to pay the road-tax, as specified in this section, may, at his option, pay the same in labor on the road, under the direction of the Overseer, at the rate of two dollars a day; *And provided, further*, that the provisions of this section shall not apply to any incorporated City; *And provided, further*, that in the County of Siskiyou, the Board of Supervisors may require the tax, in this section, to be paid exclusively in money. Road tax \$4.

SEC. 23. The tax levied under section twenty-second of this Act, shall be collected by the Overseers in their respective districts; *Provided*, that the Board of Supervisors shall, in all cases, require a bond of such Overseers, to secure the payment of such moneys as he may receive, under the provisions of this Act, and for the faithful discharge of his official duties. Collection.

SEC. 24. Any person refusing or neglecting to pay the road-tax, required by this Act, to the Overseer, within three days after the said tax shall have been demanded in writing of him, In case of refusal.

by such Overseer, shall be considered a delinquent, and the Overseer shall proceed to levy and sell, at public auction, to the highest bidder, after giving public notice, as required by law on sales under execution, the property of such delinquents [for] road-tax, and costs of making such sale, which shall be the same as are allowed Sheriffs for selling under execution; and any overplus arising from such sale shall be paid to such delinquent.

Contracts.

SEC. 25. Whenever any contract for the improvement of roads is to be made, advertisement thereof shall be given by the Overseer of the district in which such improvement is to be made, by posting written notices in two of the most public places of his district, and by advertisement in some newspaper of the County, ten days prior to the letting of such contract, and all contracts shall be awarded to the lowest responsible bidder, subject to the approval of the Board of Supervisors; *Provided*, that the Overseers shall have power to make contracts for the improvement of roads, which shall not exceed the sum of fifty dollars, at their option, such contracts to be approved by the Board of Supervisors.

Blank receipts.

SEC. 26. The Board of Supervisors shall cause blank road-tax receipts to be issued, numbered and signed, by their Clerk, for the use of the several Overseers, for which the Overseers shall account, as for so much money received; each Road Overseer shall report to the Board of Supervisors, quarterly, the number of road-tax receipts sold, the amount of money paid out by him, for what, and to whom paid, the number of days he has been in actual service, and any other information which the Board of Supervisors may require; and said Overseers shall make affidavit, before some officer legally qualified to administer oaths, that such report is correct and true. The Board of Supervisors may order any moneys collected by the Road Overseers to be paid into the County treasury; such moneys shall be kept in separate Road Funds, for the benefit of the particular Township wherein such moneys were collected.

Compensation

SEC. 27. The Overseers shall each receive, for their services, while in actual employment, such compensation as shall be allowed by the Board of Supervisors, not to exceed four dollars per day; *Provided*, that the Board of Supervisors may limit the time to be occupied by each Overseer, in the performance of the duties of his office, in his district.

Neglect of duty.

SEC. 28. If any Overseer shall sell any road-tax receipt without being signed, dated, and filled up with ink, or which shall not have been issued by order of the Board of Supervisors, or shall neglect or refuse to perform any of the duties imposed on Overseers by law, or shall neglect or refuse to pay over to the County Treasurer any moneys received by him as Overseer, which he was not authorized by the Board of Supervisors to expend in his district, shall, in addition to his liability therefor on his official bond, be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the County-jail not exceeding six months, or by both such fine and imprisonment.

Penalty.

SEC. 29. If any person shall obstruct any public road by felling any tree across the same, or by placing any other obstruction

SEC. 30. All fines collected under the provisions of this Act shall be paid into the County treasury, for the use of the road district in which the same were collected.

SEC. 32. This Act shall be in force on, and after, the first Monday in August, A. D. one thousand eight hundred and fifty-nine, in the County of Tuolumne; in the Counties of San Joaquin, Plumas, and Siskiyou, immediately.

SEC. 33. All Acts, and parts of Acts, in conflict with this Act, ^{Repealing} are hereby repealed, so far as the same relates to the Counties of ^{clause.} Tuolumne, San Joaquin, Plumas, and Siskiyou.

[Approved April 19, 1859.]

SECTION 1. The sum of five thousand three hundred and ^{\$5,388 42} eighty-eight dollars and forty-two cents, is hereby appropriated, out of the General Fund of the treasury, not otherwise appropriated, to pay Joseph Nougues, for work done on the Capitol contract, and material furnished for same.

SEC. 2. The amount hereby appropriated, shall be in full satisfaction of the amount audited and allowed, by an Act entitled: an Act to audit and allow the claim of Joseph Nougues, which

became a law by operation of the Constitution, April eleventh, eighteen hundred and fifty-nine.

CHAP. CCCXXX.—*An Act to condemn and appropriate to the use of the State of California, the Interest of certain parties in and to the State-prison Grounds, Buildings, etc., situate on Point San Quentin, in the County of Marin, and to appropriate Money for the payment of such Interest.*

[Approved April 19, 1859.]

The People of the State of California, represented in Senate and Assembly, do enact as follows:

Notice that application will be made to condemn certain lands

SECTION 1. The Attorney-General of the State of California is hereby required to give notice of not less than five days, of his intention to apply to the District Judge of the Seventh Judicial District, State aforesaid, or to such Judge as the Judge of said District may request to act in his stead, for an order, condemning the interest which James M. Estill, and his assigns have, or claim, in and to that certain tract, or parcel of land, situate on Point San Quentin, in the County of Marin, and State aforesaid, and known as the State-prison property, consisting of thirty-six acres of land, more or less, together with all, and singular, the Prison, and houses, and all improvements, and houses thereon situate, and all houses, and improvements adjoining thereto, which have been used for the purpose of said Prison, or constructed with the aid of convict-labor, by virtue of an instrument executed by R. M. Anderson, G. W. Whitman, Henry Bates, Board of State-prison Commissioners, and the said James M. Estill, on the twenty-sixth day of March, A. D. one thousand eight hundred and fifty-six, which instrument proposes to lease to the said Estill the lands and premises before described, for the period of five years from the date of the same.

Said notice shall be served personally, or by inserting the same for a period of not less than five days, in two newspapers, published in the City of San Francisco, and it shall specify the time and place at which the application aforesaid will be made.

Assessed by a jury.

SEC. 2. The District Judge, of the district aforesaid, upon receiving notice from the Attorney-General of his intention to make the application specified in section one, shall issue an order to the Sheriff of the County of Marin, requiring him to summon a sufficient number of the qualified electors of this State, out of which to select a jury to appear at the premises, in this Act described, at a time specified, to assess the value of the interest of said Estill, and his assigns, in the said premises. And upon receiving said order, said Sheriff shall proceed to execute the same, by summoning a competent number of qualified voters of this State, in the manner of summoning jurors for the District Court, to appear at the time and place specified in said order.

SEC. 3. At the time, and place, specified in the order aforesaid

said, the District Judge, of the district aforesaid, or such other District Judge of this State, as he may request, in writing, to act for him, shall proceed to empanel a jury, of twelve, from the persons summoned by the Sheriff, and may, from time to time, require said Sheriff to immediately summon other jurors, until the panel is completed. The Attorney-General, or such person as he shall designate, may, on the part of the State, and the said Estill, and assigns, in their own behalf, object to any person acting as a juror, upon the ground that he is biased, or prejudiced, or that he has formed, or expressed, an opinion upon the subject which he has been summoned to try, and if said objection be well-founded, the Judge may excuse such person from acting as a juror.

Empannel-
ing.Objections
may be made

SEC. 4. Immediately upon completing the jury, as directed in section three, the District Judge shall then and there administer to each of said jurors an oath that he will diligently inquire concerning the matters submitted to said jury, and will give a true verdict, according to the best of his judgment, without favor or partiality.

Administer
oath.

SEC. 5. After the jury shall have been duly sworn, they shall hear the testimony, and proceed to view the lands, premises, and buildings, specified in this Act, and shall return, to the District Judge acting in the premises, a written verdict, in which they shall specify the value of, the use and occupation of, the lands, premises, and buildings, (except the buildings outside of the Prison-walls,) from the time of such view until the twenty-seventh day of March, A. D. eighteen hundred and sixty-one, and the value of the interest of said Estill, and his assigns, in such buildings, specified in this Act, as are situate outside of the Prison-walls.

Written
verdict.

SEC. 6. For the purpose of ascertaining the value of the interest of said Estill, and his assigns, in any building, or buildings, outside of the Prison-walls, he, or they, may introduce witnesses, and examine them, before said jury, and the Attorney-General, or person representing him, introduce counter testimony; and the jury, in making their estimate, shall deduct from the whole value of the building, or buildings, the value of materials in the same, which, when used, belonged to the State of California, and the value of the labor of State-prison convicts used in constructing the same.

Witnesses.

SEC. 7. Immediately upon the return of the verdict of the jury, the said District Judge shall make a written order, declaring that the State of California, on paying, by the Governor of the State, to said Judge, for the use and benefit of the parties interested in said lands, etc., the total amount specified in said verdict, shall be entitled to an absolute estate in the lands, premises, and buildings, in this Act specified, (describing the same,) with the appurtenances, as fully and as effectually as if the same had been conveyed to the said State by the parties claiming an interest therein, and as effectually as though said James M. Estill and his assigns had released, to said State, all right or interest claimed by them, or either of them, by virtue of, or under, the instrument executed by R. M. Anderson and others, as specified in section one of this Act. And immediately after the payment of such money, as aforesaid, the absolute title and right of

Upon return
of verdict,
the Judge
shall issue
an order.

possession to the said lands, premises, and buildings, shall be vested in this State; and the Sheriff of Marin County shall, upon receiving an order to that effect from said District Judge who acted in the premises, put the Governor of the State of California, or such person, or persons, as he may designate, in writing, in possession thereof.

Payment of money. SEC. 8. The District Judge, aforesaid, may deliver the money received by him, as provided in this Act, to the party or parties entitled thereto, and who may apply for the same, after having given three days' notice, by inserting the same in a newspaper published in San Francisco, of the time, and place, at which he will hear an application for such payment, and until such payment is made, he may deposit the said money at some safe place, without being personally liable therefor.

Basis of estimate by jury. SEC. 9. The jury, in estimating the value of the use and occupation of the lands, premises, and buildings, aforesaid, shall not take, as the basis of such estimate, the value of the same to the State of California, as a State-prison, but may consider the value of such use and occupation to the said Estill, or his assigns, for any other purpose. The said District Judge may require the jury to perfect their verdict so as to conform to the provisions of this Act, and shall cause to be filed and recorded, in the office of the County Clerk of the County of Marin, a copy of the notices given by the Attorney-General, the affidavit showing service of notices, a brief statement made by said Judge of the proceedings had before him, the verdict of the jury, and all orders made, or true copies thereof; and copies of all receipts given, and record thereof, shall be evidence in any of the Courts of this State, of the facts stated in them. He may also give the jury such instructions as he may deem proper. New trials and appeals shall be allowed as in other civil cases; *Provided*, the granting of new trial, or the taking of an appeal, shall not operate in any manner so as to prevent the State of California from taking possession of said property immediately after the return of said verdict, and retaining the same as prescribed by section seven of this Act.

Compensation of witnesses. SEC. 10. The District Judge shall make an order specifying the amount of compensation to be paid witnesses, jurors, persons summoned as jurors, the Sheriff, and County Clerk, for services rendered under the provisions of this Act, and the same shall be paid by the Governor of this State.

Money to be paid out of Prison Fund. SEC. 11. The Governor of this State shall pay to said District Judge, or his order, the total sum named in the verdict of the jury, out of the "Prison Fund," created by the Act approved April twenty-fourth, one thousand eight hundred and fifty-eight, entitled "An Act for the government of the State-prison convicts, and to provide for the location of a "Branch-prison." And the Controller of State is hereby required to draw his warrant upon the Treasurer of State against said Fund, in favor of said Governor, for the amount specified in said verdict, and the amount of compensation allowed to the persons specified in section ten, and the Treasurer of State is hereby required to pay such warrant or warrants.

SEC. 12. Nothing contained in this Act shall be construed to

admit the validity of the instrument specified in section one, as executed by R. M. Anderson and others.

SEC. 13. The Act entitled "An Act creating a Board of State-prison Commissioners, and defining their duties," approved March twenty-first, one thousand eight hundred and fifty-six, is hereby repealed. ^{Repealing clause.}



RESOLUTIONS.

JOINT AND CONCURRENT-RESOLUTIONS.

NUMBER I.—*Concurrent-Resolution.*

[Passed January 11, 1859.]

Resolved, By the Senate, the Assembly concurring, that our Senators at Washington be instructed, and our Representatives in Congress be requested, to urge upon Congress the immediate payment of the Indian War Debt due to citizens of this State. Indian War Debt.

Resolved, That a copy of these Resolutions be forwarded by his Excellency, the Governor, to each of our Senators and Representatives, with as little delay as possible. To forward.

NUMBER II.—*Concurrent-Resolution.*

[Passed January 18, 1859.]

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and Representatives in Congress requested, to use their influence to procure the passage of an Act granting the right of way, and making appropriations to aid in the construction of the line of Electric Telegraph now being built from Placerville to Great Salt-Lake City, known as the Placerville, Humboldt and Salt-Lake Telegraph Company. Right of way for telegraph

Resolved, That the Governor be requested to forward copies of these Resolutions to the Postmaster-General, and each of our Senators and Representatives in Congress. To forward.

NUMBER III.—*Concurrent-Resolution authorizing and empowering the Secretary of State to furnish Members of the Legislature with the copies of Senate and Assembly Journals, Appendixes, Laws, and Debates in Convention, for the use of County Libraries.*

[Passed January 11, 1859.]

Libraries to
be furnished
with State
books.

Resolved, By the Assembly, the Senate concurring, that the Secretary of State be, and he is hereby, authorized to furnish Members of the Legislature with copies of Senate and Assembly Journals, with accompanying Appendixes of past sessions of the California Legislature; also, copies of State Laws and Debates in Convention, for the use of Public Libraries in the respective Counties of this State; and in those Counties where there are no Public Libraries, the Clerk of those Counties shall receive such books for the use of the public, so far as they can be furnished without additional publication; *Provided*, that nothing in this Resolution shall prevent the Secretary of State from retaining a sufficient number of the aforesaid copies that may be by him deemed necessary for the use of the State Library.

NUMBER IV.—*Concurrent-Resolution.*

[Passed January 28, 1859.]

Governor's
message in
German.

Resolved, By the Senate, the Assembly concurring, that one thousand copies of the Governor's Message be printed in the German language, for the use of the Senate and Assembly

NUMBER V.—*Concurrent-Resolution.*

[Passed February 1, 1859.]

Translation.

Resolved, By the Senate, the Assembly concurring, that a Committee of three from each House be appointed to select proposals for the translation of the Laws to be translated in Spanish during the present Session.

NUMBER VI.—*Concurrent-Resolution.*

[Passed February 3, 1859.]

WHEREAS, The Ninth Session of the Legislature of the State of California, passed Resolutions instructing our Senators in Congress, to support the policy of the National Administration, in regard to the admission of Kansas under the Lecompton Constitution; *And whereas*, the Honorable David C. Broderick, U. S. Senator from this State, not only disregarded said instructions, but indirectly charged that the Members of said Ninth Session of the Legislature had misrepresented the wishes of their constituents; *And whereas*, the people of this State, at the last election, triumphantly sustained the action of the Members of said Ninth Session of the Legislature: Therefore, for the purpose of giving to the said Honorable David C. Broderick, a full understanding of the position he occupies to his constituency:

Vote on
admission of
Kansas.

Be it Resolved, By the Senate, the Assembly concurring, that the Legislature of a State constitutes the immediate constituency of a United States Senator.

Right to
instruct.

Resolved, That a constituency has at all times the right, and it is their duty, when deemed necessary, to instruct their Representatives upon all matters of public policy, pertaining to the duties of such Representative, and that to such Representative, when so instructed, there is left no other honorable alternative, save obedience, or resignation.

Resolved, That Senator Broderick has neither yielded obedience to the instructions of the Ninth Session of the Legislature of this State, nor has he as yet, resigned the seat he holds, contrary to the wishes of his constituency.

Requested
to resign.

Resolved, That the language used in the speech of said Senator, on the twenty-second day of March, A. D. one thousand eight hundred and fifty-eight, in the United States Senate, towards the Chief Executive of this Confederacy, was not only undignified and disrespectful, but alike insulting to the Nation, and humiliating to the people of this State.

Resolved, That His Excellency, the Governor of this State, be requested to forward a copy of the above Resolutions to the Honorable David C. Broderick.

Requested
to forward.

NUMBER VII.—*Concurrent-Resolution.*

[Passed January 28, 1859.]

Resolved, By the Senate, the Assembly concurring, that the following number of copies, respectively, of the Report, and certain portions of the Report, of the Surveyor-General, be printed

Surveyor-
General's
report.

for the use of his office: Of the complete Report, five hundred copies; of that portion containing the location of School-land Warrants, one thousand copies.

NUMBER VIII.—*Concurrent-Resolutions.*

[Passed January 31, 1859.]

General law
equalizing
postage.

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives therein requested, to urge upon that body the passage of a general law, equalizing postage on letters, papers, etc., throughout the Union. Be it further

Or special
laws for
Pacific coast.

Resolved, That in case it be found impracticable to obtain the passage of such general law, alluded to, then, in that case, our Senators are instructed, and our Representatives requested, to insist upon, and demand, the immediate passage of a special law for the relief and benefit of the people of the Pacific Coast, who now pay three hundred and thirty-three and one-third per cent. more, on letter-postage, than is paid by any other citizens of the Federal Union. Be it further

Requested
to forward.

Resolved, That the Governor of this State be requested to transmit to the President of the United States, the Postmaster-General, and each of our Senators and Representatives in Congress, a copy of these Resolutions.

NUMBER IX.—*Concurrent-Resolution.*

[Passed February 4, 1859.]

Payment of
revenue col-
lected pre-
vious to the
admission.

Be it resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to urge upon Congress, by every honorable means in their power, persistently and energetically, until they shall meet with success, the payment to the State of California, from the General Government, of the two millions seven hundred and six thousand five hundred and twelve dollars revenue, collected from our people prior to our admission into the Union.

Requested
to forward.

Resolved, That the Governor be requested to transmit, to our Senators and Representatives in Congress, a copy of the foregoing Resolution.

NUMBER X.—*Concurrent-Resolutions in relation to Swamp and Overflowed Lands.*

[Passed February 14, 1859.]

WHEREAS, Many tracts of land, belonging to this State, by virtue of an Act of Congress, of September twenty-eighth, eighteen hundred and fifty, have been sold by this State as swamp and overflowed lands; *And whereas*, the same lands are now offered for sale by the proclamation of the President; *And whereas*, under the said proclamation, the Registers and Receivers are required not to sell swamp or overflowed lands: Therefore,

Lands offered
for sale by
General
Government.

Resolved, By the Senate, the Assembly concurring, that the Surveyor-General of this State be requested to furnish the Registers and Receivers of each of the Land Offices of this State with a list of swamp and overflowed lands, in their various Land Districts, offered for sale by the President's proclamation.

Surveyor-
General
requested to
furnish list
to Register.

Resolved, That the Registers and Receivers of the Land Offices in this State, be, and they are hereby, requested to withhold the said lands, designated in said list as swamp lands, from sale, until further instructions may be received from the Department, at Washington.

Register
requested to
withhold
from sale.

Resolved, That his Excellency, the Governor, be requested to furnish each of the United States Land Offices, in this State, a copy of these Resolutions.

Requested
to forward.

NUMBER XI.—*Concurrent-Resolution.*

[Passed February 5, 1859.]

Resolved, By the Senate, the Assembly concurring, that the Secretary of State be allowed to return owners all original papers and claims that have been audited by the Legislature.

Return
papers to
original
owners.

NUMBER XII.—*Concurrent-Resolution, relative to the Boundary-line between California and Utah.*

[Passed February 9, 1859.]

WHEREAS, The valleys on the eastern slope of the Sierra Nevada are rapidly filling up with *bona fide* settlers, and an early organization of a Territorial Government, in Carson Valley, is contemplated, it is of the utmost importance to the eastern tier of Counties, that the boundary-line between California and

Boundary-
line.

Utah be speedily established ; *And whereas*, no action has been ascertained in regard to Concurrent-Resolution No. 21, relative to boundary-line between the State of California and Territory of Utah," passed April twentieth, eighteen hundred and fifty-eight, or of Assembly Joint-Resolution No. 14, in relation to the survey of the eastern boundary of the State of California, passed April twenty-seventh eighteen hundred and fifty-seven : Therefore,

Request for a
Boundary
Commission

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives earnestly requested, to communicate with the President of the United States, setting forth these facts, and requesting that officer to act, in conjunction with the Executive of this State, in the appointing of Commissioners to ascertain, and definitely locate, said boundary-line ; such line to conform to that established by the Constitution of the State of California.

Requested
to forward.

Resolved, That His Excellency, the Governor, be requested to forward copies of this Resolution to our Senators and Representatives, and one to the President of the United States.

NUMBER XIII.—*Concurrent-Resolution.*

[Passed February 4, 1859.]

Murder of
American
citizens in
Gadsden
Purchase.

WHEREAS, We have information that during the Spring of eighteen hundred and fifty-seven, a few days subsequent to the massacre of the members of the Crabb Expedition, in the State of Sonora, Mexico, a band of armed Mexican soldiers invaded American soil, at Dunbar's store, on the Gadsden Purchase, and then and there murdered four American citizens, who were in no manner connected with an unlawful expedition, but quietly pursuing their avocations as peaceable men, in American territory : Therefore, be it

Investiga-
tion urged.

Resolved, By the Assembly of the State of California, the Senate concurring, that our Senators be instructed, and our Representatives in Congress requested, to urge upon the General Government the necessity of investigating this outrage upon American citizens, and demanding of the Mexican Government immediate reparation for the same, and a sufficient guarantee from that Government that like outrages shall not again be inflicted on our citizens, or a like indignity offered to the Government of the United States.

Requested
to forward.

Resolved, That the Governor of this State be requested to forward to our Senators and Representatives in Congress, a copy of this Preamble and these Resolutions.

NUMBER XIV.—*Concurrent-Resolution.*

[Passed January 10, 1859.]

WHEREAS, The Act of Congress of the third of March, eighteen hundred and fifty-four, for the extension of the pre-emption privilege in the State of California, expired on the third of March, eighteen hundred and fifty-six : Therefore,

Resolved, By the Assembly, the Senate concurring, that our Senators in Congress be instructed, and our Representatives requested, to use their best endeavors to have the Pre-emption Laws for California revived and continued. Expiration of pre-emption privilege.

Resolved, further, That the Governor be requested to forward a copy of the foregoing Resolution to each of our Senators and Representatives in Congress. Revive the pre-emption Laws. Requested to forward.

NUMBER XV.—*Joint-Resolution of Instruction to our Senators and Representatives in Congress.*

[Passed February 7, 1859.]

WHEREAS, We believe it to be the duty of the Federal Government to render all necessary aid which the safety of life, as well as the great and important interests of commerce require on the Coast of California, equally, and with the same liberality, as shown and extended to other States of this Union : Therefore,

Resolved, By the Senate and Assembly of California, that our Senators in Congress be instructed, and our Representatives requested, to procure the establishment of a light-house and fog-bell on Punta de los Reyes, in the County of Marin, and to adopt such measures as will insure a speedy erection. Interest of commerce. Fog-bell and light-house.

Resolved, That the Governor of this State be requested to forward a copy of the foregoing Preamble and Resolution to our Senators and Representatives in Congress. Requested to forward.

NUMBER XVI.—*Concurrent-Resolution.*

[Passed February 12, 1859.]

Resolved, By the Assembly of the State of California, the Senate concurring, that our Senators be instructed, and our Representatives in Congress requested, to urge the passage of a law requiring and authorizing the Postmaster-General to increase the Schedule-time on Salt Lake route.

number of trips, and shorten the schedule-time, of the contract to carry and transport the overland mails, on the Salt Lake Route; also, the route from Kansas City to Stockton, so as, in all respects, to place said routes on an equal footing with the Butterfield Route, as to schedule-time and compensation.

Requested
to forward.

Resolved, That His Excellency, the Governor, be requested to transmit, to each of our Senators and Representatives in Congress, a copy of the above Resolution.

NUMBER XVII.—*Joint-Resolution, granting leave of absence to Stephen J. Field, one of the Justices of the Supreme Court.*

[Passed February 15, 1859.]

Leave of
absence.

Resolved, By the Senate and Assembly, that Stephen J. Field, one of the Justices of the Supreme Court, have permission to be absent, during the present year, from the State of California, on a visit to the Atlantic States, for the period of four months.

NUMBER XVIII.—*Concurrent-Resolution.*

[Passed February 16, 1859.]

Committee
to examine
vouchers.

Resolved, By the Senate, the Assembly concurring, that a Committee, consisting of three from each House, be appointed to examine the vouchers for the issuance of the three millions nine hundred thousand dollars bonds, issued by the State Treasurer, and to deface all that are found to be legal.

NUMBER XIX.—*Concurrent-Resolution relative to a Geological Survey of this State, by the General Government.*

[Passed February 16, 1859.]

Geological
survey.

WHEREAS, The whole Union is directly interested in the development of the mineral resources of California; *And whereas*, a geological survey of the mineral and agricultural lands of this State would place important information in possession of the public, thereby directing attention to their value, and have a tendency to promote the development of the same: Therefore,

Resolved, By the Senate, the Assembly concurring, that our Senators in Congress be instructed, and our Representatives re-

quested, to use their influence to provide, at an early day, for a complete scientific geological survey of the mineral and agricultural districts of this State by the General Government.

Resolved, That the Governor be requested to forward copies of this Resolution to our Senators and Representatives in Congress. Requested to forward.

NUMBER XX.—*Concurrent-Resolution.*

[Passed March 2, 1859.]

Resolved, By the Senate, the Assembly concurring, that the Joint Committee appointed to examine the vouchers upon which were issued the three millions nine hundred thousand dollars in bonds of this State, under the Act of eighteen hundred and fifty-seven, be allowed a Clerk, to be paid one-half out of the Contingent Fund of the Senate, and one-half out of the Contingent Fund of the Assembly. Clerk to Committee to examine vouchers.

NUMBER XXI.—*Joint-Resolution.*

[Passed February 25, 1859.]

WHEREAS, The Congress of the United States, by an Act entitled an Act to regulate the carriage of passengers in steamships and other vessels, passed March third, eighteen hundred and fifty-five, did provide, among other things, by the fourteenth section of said Act, as follows, viz.: That in case there shall have occurred on board of any ship or vessel arriving at any port or place within the United States, or its Territories, any death or deaths among the passengers, other than cabin passengers, the Mates or Captains, or owners or consignee of such ship or vessel, shall, within twenty-four hours after the time within which the report and list, or manifest, of passengers mentioned in section twelve of this Act, is required to be delivered to the Collector of the Customs, pay to said Collector the sum of ten dollars for each and every passenger, above the age of eight years, who shall have died on the voyage by natural disease; and the said Collector shall pay the money thus received, at such times and in such manner as the Secretary of the Treasury, by general rules shall direct, to any Board or Commission appointed by, and acting under the authority of the State within which the port where such ship or vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment: Now, therefore, Deaths on vessels.

Resolved, That the Governor of this State be, and he is hereby, authorized and requested to appoint such persons or association as he may think proper, as a Board, or Commission, to act by the Board.

authority of this State, to receive and apply the money provided in said Act, to be paid for the care and protection of sick, indigent, or destitute emigrants.

NUMBER XXII.—*Concurrent-Resolution.*

[Passed March 19, 1859.]

Meagre mail facilities.

WHEREAS, There is only a semi-monthly newspaper-mail from San Francisco to Los Angeles, San Bernardino, and San Diego, in the Southern part of this State; *And whereas*, the wants of the people of that rapidly settling country demand a more frequent interchange of news items of the day: Now, therefore, be it by the Assembly and Senate of the State of California,

Semi-weekly mail.

Resolved, That the Hon. Aaron V. Brown, Postmaster-General of the United States, be solicited, our Senators instructed, and our Representatives in Congress requested, to use every exertion that may be necessary, to secure the establishing of a semi-weekly newspaper-mail by overland, from San Francisco to Los Angeles, San Bernardino, and San Diego.

Requested to forward.

Resolved, That His Excellency, the Governor, be requested to forward a copy of these Resolutions to the Hon. Aaron V. Brown, Postmaster-General, to each of our Senators, and to our Representatives in Congress, at his earliest convenience.

NUMBER XXIII.—*Concurrent-Resolution.*

[Passed March 31, 1859.]

Branch mail-route.

Resolved, By the Assembly, the Senate concurring, that our Senators be instructed, and our Representatives requested, to urge upon Congress the early establishment of a branch mail-route, from the sink of the Humboldt to the State of California, by the way of Downieville and Marysville.

NUMBER XXIV.—*Concurrent-Resolution.*

[Passed April 1, 1859.]

Necessity for increased facilities for travel.

WHEREAS, It is highly important to the best interests of the State of California that all just means of increasing immigration hereto should be fostered and advanced by the General Gov-

ernment; *And whereas*, the failure of the last Congress to pass the Atlantic and Pacific Railroad bill has not only been received by the people of this State with deep regret, but with the liveliest apprehensions for their future welfare; *And whereas*, the most vital interests of this State are now, in a great degree, dependent upon the Great Overland and Ocean Steamship routes: Therefore, be it

Resolved, By the Senate, the Assembly concurring, that the Postmaster-General be, and he is hereby, earnestly requested, if not incompatible with the interest of the Government, or the Laws of Congress, to divide, or cause to be divided, between two separate and distinct routes or lines of Steamship Companies, any contract which may hereafter be made for the conveyance of the United States mails from New York to San Francisco, via the Isthmus of Panama or Nicaragua. Division of
mail-
contract.

Resolved, That the Governor be, and he is hereby, requested to forward to the Honorable Joseph Holt, Postmaster-General of the United States, a copy of the foregoing Resolution. Requested
to forward.

NUMBER XXV.—*Concurrent-Resolution.*

[Passed April 5, 1859.]

Resolved, By the Assembly, the Senate concurring, that to promote the interest and insure the protection and security of the people of the States of California and Oregon, and the Territories of Washington and Arizona, and, especially, to consider the refusal of Congress to take efficient measures for the construction of a Railroad from the Atlantic States to the Pacific, and to adopt measures whereby the building of said Railroad can be accomplished, it is expedient that a Convention be held on the twentieth day of September, A. D. eighteen hundred and fifty-nine, at the City of San Francisco, in the State of California, composed of Delegates from said States and Territories. Convention
to consider
Railroad.

Resolved, That the people of the several Counties of the said States and Territories are hereby especially requested to send to said Convention, Delegates equal to the number of the members of the Legislature of the said States and Territories, to which they are entitled, to represent them in said Convention. Delegates.

Resolved, That His Excellency, the Governor of this State, be requested to send copies of the foregoing Resolutions to the Governors of the State of Oregon, and the Territories of Washington and Arizona, respectively. Requested
to forward.

NUMBER XXVI.—*Concurrent-Resolution.*

[Passed April 7, 1859.]

Commence
suits against
McMeans.

Resolved, By the Senate, the Assembly concurring, that the Attorney-General be directed to commence suits against the late State-Treasurer, Selden A. McMeans, and his sureties, for the amounts shown by the books, as written up by Mr. R. P. Lee, Jr., and now in the possession of the Attorney-General.

NUMBER XXVII.—*Joint-Resolution.*

[Passed April 12, 1859.]

Request for
cession of
land.

Be it resolved, By the Senate and Assembly, that our Representatives in Congress be requested, and our Senators instructed, to procure the passage of a bill by which the Federal Government shall cede and donate the following described tract of land to the State of California, said tract being bounded and described as follows, to wit: beginning at the initial point of the San Bernardino base-line, as established by the general survey; from thence, running east on the said line, to the Colorado River; thence down said river, to its junction with the Southern State-line; thence west, along said line, to the eastern base of the main range of mountains; and from thence northerly, along the base of said range of mountains, to the place of beginning; all of the above described sections, with the exception of so much as the Government may wish to reserve for the Military Post now established on the Colorado River, at the junction of the Gila.

Motives.

It is respectfully represented, that the State of California, in thus applying to the Federal Government to become the *custodian* of the above described tract of land, is actuated by no other motive than that of our common good, and general welfare, being fully impressed with the conviction that the disposition which it is in contemplation to make of those lands, will inure to the benefit of both State and Federal Government.

Desert waste.

The entire section of country herein described is known to be a *desert waste*, devoid of water, and vegetation, owing to which it presents a great barrier to travel, and transportation, on the most approved route of land communication between the Atlantic and Pacific.

Subject to
irrigation.

From surveys ordered by the General Government, the fact became apparent that a portion of the above-described section of country was relatively lower than the Colorado River, and consequently can be subjected to irrigation from that source; and further, the "Geological Report" of the same survey, established the fact that this portion of country is barren and sterile, simply for the want of water, and in proof of the correctness of both reports, it may be cited, that a portion of the above-described section is subject to overflow from the Colorado River,

and after such overflow the lands immediately adjacent thereto are clothed with rich and luxuriant growth of grass and vegetation. The overflow, however, is of unfrequent occurrence, there having been but one within the recollection of the population of California, which was in June, one thousand eight hundred and forty-nine.

It is proposed, by the State, that in the event of approval and concurrent action of Congress, to cause to be constructed a proper system of hydraulics, a series of canals traversing through all the practicable portion of this sterile waste, and thus not only remove the existing impediments to travel and transportation, but cause the desert to yield to the wants of man her latent, reserved, and hidden stores. It is further represented, that the only line of communication on which it is now practicable to cross the above-described desert, is the one which has been traveled heretofore, and now traversed by the "Overland Mail," and that the same is a deflection from a straight line, and the deflection carries the road into the Mexican territory.

And it is respectfully represented that it will be practicable to shorten the route, and at the same time avoid an unauthorized encroachment on the soil of our neighbors, by the system of reclamation of lands here proposed. And, finally, we would submit, that inasmuch as a portion of those lands above described are subject to overflow, and as such, that they may justly be claimed by the State under the existing law, but inasmuch as it will be necessary to introduce water from the river, far removed and above the lands which may thus be claimed by the State, it is deemed proper and expedient to apply for a "grant" and cession of all the above described section. And, as before stated, we are well persuaded that the General Government will but subserve her own interests by making a disposition of those lands which are now valueless, and must remain so through all time to come, unless this system for their reclamation is adopted, which will necessarily cost a large outlay of money, but, with that expenditure, they may be made to yield a return.

NUMBER XXVIII.—*Concurrent-Resolutions asking Congress to Donate to this State, ten million Acres of Arable Land, in aid of her State Internal Improvement Fund.*

[Passed April 15, 1859.]

WHEREAS, The Federal Government do now hold a vast amount of land within the limits of the State of California, adapted to all the wants and requirements of civilized life, and which is now unoccupied and unproductive; and, Unproductive land.

WHEREAS, It doth appear that the General Government have acted upon a wise and true policy, in making liberal donations of the public land to other States and Corporations, in aid of and to facilitate the construction of railroads and other State internal improvements; and, Donations.

- Isolated.** WHEREAS, The State of California embraces a wide extent of territory on the Pacific coast, isolated and far removed from the Federal head and heart, unprotected by practicable lines of internal communication, unsupported, in the event of war, save by the loyalty of its citizens, and their trust in its Federal Covenants; and,
- Railways.** WHEREAS, The construction of railways within this State will greatly increase its commercial privileges, facilitate the development of our resources, vest in the State an element of progress, correspondent to its international importance and position, administer to the necessities of an energetic people, cement still stronger our federative attachments, add to our numerical force, form a sturdy structure of usefulness to the State and Nation, and proudly fortify us against any foreign invasion or military usurpation of territory; and,
- Aid of State.** WHEREAS, It is the desire of the State of California to render such aid as may be necessary, to induce the immediate construction of the Pacific Railway, from the City of San Francisco to the eastern boundary-line of the State, and also to aid and encourage the construction of other railroads, such as its internal commerce shall demand, and such as shall be deemed to strengthen our position, and increase the power of the General Government on this coast; and,
- Aid of General Government.** WHEREAS, Without the liberal aid of the General Government, by donation of a portion of the public lands to this State, the public improvements contemplated can not be undertaken and carried forward to completion; and,
- National defence.** WHEREAS, It is reasonable to urge, fair to demand, and just to expect, a donation of land to this State, by the General Government, by which to aid the construction of railroads within our sovereign limits, and that it is eminently the policy of the General Government to encourage the construction of works answering the ends of sovereign power and national defence: Therefore,
- 10,000,000 acres.** *Resolved*, By the Senate and Assembly of the State of California, that our Senators in Congress be, and they are hereby, instructed, and our Representatives requested, to urge upon Congress the passage of a law, donating to this State ten million acres of arable land, by which donation the State may be enabled to aid and encourage the construction of the Pacific and Atlantic Railroad, from San Francisco to the eastern boundary-line of the State, and other public works of a like character, within the State of California; and that the lands so donated be selected by the State Surveyor-General out of the public lands belonging to the General Government, within the State of California, as soon as practicable.
- Requested to forward.** *Resolved*, That the Governor of the State be requested to forward, to each of our Senators and Representatives, a copy of this Preamble and Resolutions.

NUMBER XXIX.—*Concurrent-Resolution.*

[Passed April 19, 1859.]

Resolved, By the Senate, the Assembly concurring, that General William C. Kibbe, Quartermaster-General of this State, is hereby granted leave of absence from the State for four months.

Leave of absence.

NUMBER XXX.—*Concurrent-Resolution.*

[Passed April 18, 1859.]

Resolved, By the Assembly, the Senate concurring, that the Quartermaster and Adjutant-General of this State be, and he is hereby, requested to forward to the War Department, at Washington, and to the Congress of the United States, on or before the first day of January next, all the original vouchers for claims for expenses incurred by the various wars and expeditions against the Indians of this State, (now unpaid,) up to the present date, whether held by the State of California or any citizen thereof, with a view of inducing the immediate assumption of the same by the General Government.

Vouchers of expenses in Indian wars.

NUMBER XXXI.—*A Memorial, asking Congress to pass a law authorizing the construction of a Pacific Railroad; also, asking for a grant of land to this State to aid in the construction of railroads in the State of California.*

[Passed April 15, 1859.]

To the Honorable, the Congress of the United States:

THE MEMORIAL OF THE LEGISLATURE OF THE STATE OF CALIFORNIA.

Your memorialists believe that the construction of a railroad between the Pacific and Atlantic States is demanded by the great voice of the American people—is absolutely required for a full development of our agricultural and mineral resources, and is the true policy, as a matter of economy to the General Government, in transporting mails, troops, and munitions of war, to her possessions west of the Rocky Mountains.

Necessity for a railroad.

Therefore, in view of these reasons, your memorialists ask the passage of a law by Congress, authorizing and requiring the immediate construction of a railroad from the Mississippi River to the eastern boundary of California.

Your memorialists would further show, and represent, that if

South Pass.

Completed by this State. in the wisdom of Congress, said railroad should be located on the South-Pass route, through the Rocky Mountains, and thence to our north-east boundary, this State would extend the same on to the Bay and City of San Francisco; or, on the other hand, if either one of the southern routes should be adopted by Congress, and the western terminus of the road, so built, be at the crossing of the Colorado, the State would extend the same to the City of San Francisco.

Cultivable land. That, in the valleys of the Sacramento, San Joaquin, and Tulare, commencing at Shasta City, in the north-east, and extending to Fort Tejon, in the south-east, a distance of between six and seven hundred miles, and ranging in width from fifty to one hundred miles, there are large tracts of cultivateable land, belonging to the General Government, well adapted to all the wants and requirements of civilized life.

Lumber and minerals. That immediately adjoining these tillable lands, on the east, and nearly in a direct line from Shasta City, Fort Tejon, and Los Angeles, the Sierra Nevadas, and foot-hills, contain inexhaustible mines of gold, and are covered with an immense growth of pine, cedar, fir, and spruce, which might, had we the proper means of transportation to the valleys, furnish not only lumber to supply the entire demand of California, but that of the Pacific Islands.

Cost of freight. The provisions and merchandise consumed by those developing the mineral resources of the mountains, or engaged in other occupations, are shipped from San Francisco to the head of navigation on the Sacramento or San Joaquin Rivers, at enormous prices, charged by steamboat monopolies, and thence hauled on wagons from one to two hundred and fifty miles, at a cost of from two to three cents per pound.

Railroad. That a railroad from the north-eastern boundary of the State to the Colorado, *via* Shasta City, Oroville, Marysville, Sacramento, and Stockton, to San Francisco, and from Stockton, on the east side of the San Joaquin River, *via* Millerton, Visalia, and Los Angeles, to the Colorado, would meet the great requirements of the agricultural, commercial, and mineral resources of, and would be the trunk of a system of railroads for, this State.

Grant of odd sections. Therefore, your memorialists ask, that Congress grant to the State of California, for the construction of said railroad from the north-eastern to the south-eastern boundaries of the State, alternate or odd sections, for ten miles on each side of said road; and in case the odd sections of land should fall upon mineral land, or land disposed of by the United States, the authorities of the State may select an equal amount of land, so having been disposed of in any [part] of the Sacramento, or San Joaquin, or Tulare Valleys, and that so soon as companies have been organized under the laws of this State, surveys made, and a plot of said road, or any part thereof, be forwarded to the Commissioner of the General Land Office, said Commissioner be required to withdraw the lands, so granted, from market.

Requested present. *Therefore, resolved,* That our Senators in Congress be instructed, and our Representatives in Congress requested, to present the above Memorial to Congress, and to use all honorable

means in their power to procure the immediate and favorable action of Congress thereon.

Resolved, That the Governor of this State be requested to furnish our Senators, and our Representatives, a copy of the above Memorial, and these Resolutions. ^{Requested to forward.}

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